

By Mr. SCARBOROUGH (by request): Petition of E. T. Barentine and others, of Society Hill, S. C., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill granting an increase of pension to William W. Rich—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Elizabeth Deorge—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petitions of McMickle & Herrington, of Texarkana; R. E. Dickinson and others, of Cooper, and R. J. Murphy, of Paris, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Petition of retail druggists of Sherwood, Stryker, and Ohio City, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THAYER: Petition of H. E. Larned, Oxford, Mass., favoring House bill 178—to the Committee on Ways and Means.

By Mr. WILSON: Resolutions of the Manufacturers' Association of Brooklyn, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: Petition of the National Drug Company, of Philadelphia, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, circular of Charles Stoughton, relating to the Harlem River and Kills Canal—to the Committee on Rivers and Harbors.

SENATE.

THURSDAY, January 8, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of William Henry, administrator of William E. Sizer, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Robert Gordon, administrator of Jamison W. Rice, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates; and

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 11093) granting an increase of pension to Nannie M. Kimberly;

A bill (H. R. 13468) granting an increase of pension to Joseph S. Mess;

A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

A bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Enterprise Council, No. 16, Junior Order of United American Mechan-

ics, of Milton, Del., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. LODGE. I present a memorial signed by forty-eight owners of fishing vessels going out of the port of Boston, representing the entire wholesale fresh-fish trade of that city, remonstrating against the ratification by the Senate of the Hay-Bond treaty. Accompanying the memorial are sundry letters and papers on the same subject. I move that the memorial and accompanying papers be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation granting pensions to families of surfmen of the Life-Saving Service who perish in the line of duty; which was referred to the Committee on Commerce.

Mr. PLATT of New York presented petitions of Local Union No. 504, of Flushing; of Local Union No. 61, of Troy; of Carpenters' Local Union No. 835, of Seneca Falls; of Local Union No. 78, of Troy; of the Lake Seamen's Union of Tonawanda; of Local Union No. 15, of Syracuse; of Painters, Decorators, and Paperhangers' Local Union No. 12, of Troy; of the Central Federation of Labor, of Troy; of Local Union No. 14, of Troy, and of Coal Employees' Local Union No. 6580, of Troy, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City and Brooklyn, in the State of New York, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. CULLOM presented the petition of G. W. Myers and 25 other citizens of Edgar County, Ill., praying for the enactment of legislation providing for the adjudication of swamp-land grants; which was referred to the Committee on Public Lands.

He also presented the petition of W. H. Rich and 69 other citizens of Peoria, Ill., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Chicago, Ill., praying for the enactment of legislation to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Association of Friends of Western Springs, Ill., remonstrating against the enactment of legislation to promote the efficiency of the militia; which was ordered to lie on the table.

He also presented petitions of the Trades and Labor Council of Danville; of the Trades and Labor Assembly of O'Fallon; of the Upholsterers' International Union of Chicago; of the Brotherhood of Carpenters and Joiners of Fairbury; of Local Union No. 29, of Chicago; of Federal Labor Union No. 8281, of Lincoln; of Federal Labor Union No. 8769, of Mascoutah; of Cigar Makers' Local Union No. 154, of Lincoln; of the Pattern Makers' Association of Chicago; of the American Federation of Labor of Charleston; of Federal Labor Union No. 9849, of Mt. Vernon, and of Local Union No. 106, of Dunfermline, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEAN presented the memorials of Robert H. McCurdy, of Morristown, N. J.; of G. E. Sherman, of Morristown, N. J., and of W. S. Lord, of New York City, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 79, of Trenton; of Hod Carriers' Local Union No. 10502, of Englewood; of the United Powder and High Explosive Workers of Landing, and of Local Union No. 5, of New Brunswick, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Fred. P. Meeks, of Englewood; of L. P. Towne and 23 other citizens of Jersey City; of 18 citizens of Succasunna, and of the Prohibition League of Jersey City, all in

the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a petition of the Indiana Grain Dealers' Association, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to open to settlement the south half of the Colville Reservation in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying that an appropriation be made providing for the erection and maintenance of an exposition building at Shanghai, China; which was referred to the Committee on Manufactures.

He also presented a petition of Typographical Union No. 193, of Spokane Falls, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PROCTOR presented a memorial of the St. Albans Humane Society, of St. Albans, Vt., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. QUARLES presented a petition of the Trades and Labor Council of Lacrosse, Wis., and a petition of Local Union No. 141, Amalgamated Woodworkers, of Lacrosse, Wis., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the Multiscope and Film Company, of Burlington, Wis., and a petition of the Horlick's Food Company, of Racine, Wis., praying for the adoption of the postal-check system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Coopers' Local Union No. 35, of Milwaukee, Wis., and a memorial of the Packages Publishing Company, of Milwaukee, Wis., remonstrating against the enactment of legislation to abolish the revenue stamp on eighth beer kegs; which were referred to the Committee on Finance.

He also presented a petition of the Vilter Manufacturing Company, of Milwaukee, Wis., praying for the enactment of legislation to authorize the Rice Irrigation and Improvement Association and the Southwest Louisiana Rice Growers' Association to construct certain locks and dams in the State of Louisiana; which was referred to the Committee on Commerce.

Mr. MITCHELL presented sundry papers in support of the bill (S. 3392) granting an increase of pension to Augustus L. Kidder; which were referred to the Committee on Pensions.

Mr. DOLLIVER presented petitions of Local Union No. 1120, United Mine Workers, of Cleveland; of Local Union No. 106, United Brotherhood of Carpenters and Joiners, of Des Moines; of Local Union No. 126, Coopers' International Union, of Ottumwa; and of Local Union No. 634, Carpenters and Joiners, of Creston, all in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented petitions of H. M. Simpson & Sons, of Vincennes; of W. C. Reed, of Vincennes, and of G. N. Moyer, of Laketon, all in the State of Indiana, praying for the enactment of legislation providing for the inspection of nurseries for injurious insects and for the regulation of interstate shipments of nursery products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 9925, of Mount Vernon; of Local Union No. 460, of Hammond; of Iron Molders' Local Union No. 51, of Evansville; of Local Union No. 7118, of Vincennes; of Retail Clerks' Local Union of New Albany; of Bricklayers' Local Union No. 3, of Indianapolis; of Carpenters' Local Union No. 533, of Jeffersonville; of Local Union No. 365, of Marion; of Local Union No. 6, of Atlanta, and of Local Union No. 9, of Gas City, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the national executive committee of the National German-American Alliance, of Philadelphia, Pa., praying for the appointment of an immigration commission; which was referred to the Committee on Immigration.

He also presented a memorial of the American Humane Association, of Chicago, Ill., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of sundry citizens of Waynesboro, Pa., praying for the appointment of a commission to investigate the present pension laws; which was referred to the Committee on Pensions.

Mr. DEPEW presented petitions of sundry citizens of New York City, praying for the adoption of an amendment to the Constitu-

tion to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a memorial of Coopers' International Union, No. 25, of Indianapolis, Ind., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on eighth beer kegs; which was referred to the Committee on Finance.

He also presented a petition of A. Burdsal & Co., of Indianapolis, Ind., and a petition of the Paint Grinders' Association, of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Wabash Quarterly Meeting of Friends, of Amboy, Ind., praying for the adoption of an amendment to the bill to increase the efficiency of the militia, so as to provide for an exemption clause based on conscientious scruples; which was ordered to lie on the table.

He also presented petitions of Cigar Makers' Local Union No. 335, of Hammond; of Local Union No. 60, Brotherhood of Carpenters and Joiners, of Indianapolis; of Local Union No. 119, Brotherhood of Stationary Firemen, of Whiting; of Union No. 533, Brotherhood of Carpenters and Joiners, of Jeffersonville; of Local Union No. 5, Team Drivers' International Union, of Fort Wayne; of Atlanta Lodge No. 6, Amalgamated Association of Iron, Steel, and Tin Workers, of Atlanta; of Union No. 460, Brotherhood of Painters, Decorators, and Paperhangers, of Hammond; of Local Union No. 365, Brotherhood of Carpenters and Joiners, of Marion; of Reed and Rattan Workers' Union No. 224, of Indianapolis; of Retail Clerks' International Protective Association, No. 578, of New Albany; of Local Union No. 301, United Mine Workers, of Ashboro; of Local Union No. 7118, American Federation of Labor, of Vincennes; of Iron Molders' Union No. 51, of Evansville; of Brotherhood of Railroad Trainmen, of Garrett; of Union No. 9925, American Federation of Labor, of Mount Vernon; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. WELLINGTON. I present resolutions, in the nature of a memorial, adopted at a meeting of the Chesapeake Bay Fishermen's Protective Association, held in the city of Baltimore, Md., on January 7, 1903, remonstrating against the ratification of the Hay-Bond treaty. I ask that the resolutions be printed in the RECORD, and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

At a meeting of the Chesapeake Bay Fishermen's Protective Association, held at the Maltby House, in the city of Baltimore, on the 7th day of January, 1903, the following resolutions were unanimously adopted:

Resolved, That this association views with genuine apprehension, as fraught with irreparable injury to the best interests of the menhaden fishing interests of the United States, the treaty negotiated by the Government of the United States with Great Britain, and signed at Washington on November the 8th, 1902, and relating to the commercial relations between the United States and the colony of Newfoundland, and most respectfully and earnestly request that the Senate of the United States, before which the same is now pending, will refuse to ratify and confirm the same.

Resolved further, That the secretary of this association forward a copy of these resolutions to each of the Senators from the States of Maryland and Virginia.

Resolved further, That the Hon. L. E. P. Denis deliver a copy in person to the Hon. George L. Wellington, Senator of Maryland.

GEORGE P. SQUIRE, President.

STATEHOOD BILL.

Mr. QUAY. I present resolutions of Booth Camp, No. 255, Spanish War Veterans, of Albuquerque, N. Mex., favoring statehood for Arizona and New Mexico. I ask that the resolutions may lie on the table; but as they refer to statehood, in accordance with the precedent we have been establishing, I should like to have them read.

There being no objections, the resolutions were read, and ordered to lie on the table, as follows:

Whereas it has been the sense of a majority of the Senate Committee on Territories to report adversely on the House bill admitting to statehood the Territories of New Mexico, Arizona, and Oklahoma, which was unanimously adopted by the latter; and

Whereas in their report they state that the citizens of these Territories, especially of New Mexico, are not fit to become citizens of a State: Therefore, be it

Resolved, That Booth Camp, No. 255, Spanish American War Veterans, of Albuquerque, N. Mex., do hereby call the attention of the honorable Senate of the United States to the fact that the Territory of New Mexico in the late war with Spain furnished proportionately as many, and perhaps more, volunteers than any other State or Territory in the Union, one man passing the rigid examination of the mustering officer for every 150 of population within her borders. The call of the President of the United States for volunteers found New Mexico's quota of 420 for the First United States Volunteer Cavalry, commonly known as the Rough Riders, filled within two days, with as many disappointed ones turned away. The second call for over 100 more men to fill the depleted ranks of the Rough Riders was filled with equal rapidity. The third call for four full companies of infantry for the First Territorial Infantry Regiment of Volunteers was responded to likewise, as was also the case in recruiting for the Thirty-fourth United

States Infantry, which regiment saw service in the Philippines. That each and every man who went from this Territory did his full duty honorably in camp and on the battlefield can be attested by reference to the records of the War Department, as well as from the lips of the honorable President, Theodore Roosevelt, who commanded five troops from New Mexico, and to whom, at the first annual reunion of the Rough Riders at Las Vegas, N. Mex., he publicly pledged himself to support New Mexico and Arizona in their claims for statehood and stated that he would go to Washington and speak in our behalf. Be it further

Resolved, That while we call the attention of your honorable body to what New Mexico did in the war with Spain, we also wish to state that the feeling toward the flag of the United States will always remain the same, and that New Mexico would, in the event of another call, furnish twice or thrice the number mentioned who volunteered in the late war. Be it further

Resolved, That we call the attention of the honorable Senate to the fact that this was not only the case in the late war, but also in the war with Mexico, when New Mexico's volunteers to the Union Army of the United States was larger, proportionately, than that of any other State or Territory, and is a matter of record. Be it further

Resolved, That Booth camp join in the prayer of the great majority of citizens of New Mexico in asking that the coveted stars be placed in the great American Flag for the Territories of New Mexico, Arizona, and Oklahoma.

Resolved, That copies of these resolutions be forwarded to our good friend, the Hon. Matthew S. Quay, United States Senator from Pennsylvania, and to Hon. Bernard S. Rodey, New Mexico's Delegate in Congress.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate \$2,500,000 to enable the government of the Philippine Islands to advance money for the purchase of draft animals to be used in restocking the farms of the islands, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 5437) to authorize the settlement of the accounts of officers of the Army, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6326) for the relief of Hiram C. Walker, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Manufactures, to whom was referred the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 12575) granting a pension to Edward A. Branham, reported it without amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 6614) granting an increase of pension to Bertha R. Koops, reported it with an amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (H. R. 14067) granting an increase of pension to John Wright, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg; and

A bill (H. R. 13510) granting an increase of pension to James P. Thomas.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4239) granting an increase of pension to Oscar H. Prink; and

A bill (S. 6543) granting an increase of pension to David C. Morgan.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow; and

A bill (S. 6576) granting a pension to Marcia B. Ferguson.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3514) granting an increase of pension to Theresia Ziegenfuss;

A bill (H. R. 14058) granting an increase of pension to Emil Pfeiffer;

A bill (H. R. 9977) granting a pension to Minerva Robinson;

A bill (H. R. 13143) granting an increase of pension to Susan Parker; and

A bill (S. 5952) granting an increase of pension to Henry L. Davenport.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3940) granting an increase of pension to Eliza C. Deery; and

A bill (S. 5662) granting an increase of pension to Henry Sickles.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters; and

A bill (S. 6536) providing for the construction of a tender for the Twelfth light-house district.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 13565) granting a pension to Mary V. Scriven, reported it without amendment, and submitted a report thereon.

MARY J. IVEY.

Mr. TALIAFERRO. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6693) granting a pension to Mary J. Ivey, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Mary J. Ivey, widow of Robert L. Ivey, late of Capt. J. A. Newman's company, Georgia Volunteers, and Capt. John C. Pelott's company, Florida Volunteers, Seminole Indian war, and to pay her a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORTAL, N. DAK., SUBPORT OF ENTRY.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880. I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It designates Portal, N. Dak., a subport of entry in the customs collection district of North and South Dakota, and extends the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to said subport.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880."

Mr. NELSON. I move that the bill (S. 6228) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880, be taken from the Calendar and indefinitely postponed.

The motion was agreed to.

OUTAGE OF DISTILLED SPIRITS.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 179) to amend the internal revenue laws, to report it favorably, without amendment, and to ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January 1, 1899, and subject to the same conditions and limitations.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER AND STONE IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I am authorized by the Committee on Indian Affairs, to whom was referred the bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber

and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, to report it back favorably, without amendment, and as it will only take a minute to consider it, I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 6798) granting an increase of pension to Charles F. Sheldon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 6799) granting an increase of pension to Frank Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6800) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WELLINGTON introduced a bill (S. 6801) for the relief of Louise Steuart; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6802) granting an increase of pension to Joseph Kent;

A bill (S. 6803) granting an increase of pension to Ephraim Herriott;

A bill (S. 6804) granting an increase of pension to Aaron H. Watts; and

A bill (S. 6805) granting an increase of pension to Junius Abbott.

Mr. FAIRBANKS introduced a bill (S. 6806) granting a pension to Mary A. Viel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6807) for the relief of the heirs of Rinaldo Johnson and Ann E. Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a joint resolution (S. R. 150) tendering the thanks of Congress to the members of Company C, Ninth United States Infantry; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FORAKER introduced a joint resolution (S. R. 151) tendering the thanks of Congress to Gen. Adna R. Chaffee and the officers and men under his command in China; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate \$46,500 for the assayer in charge, the clerical force, wages for workmen and assistants, and for incidental and contingent expenses at the assay office in Seattle, Wash., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. QUAY submitted an amendment intended to be proposed by him to the bill (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. HOAR submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return to the Senate Senate bill 6316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901.

DISEASES OF TROPICAL COUNTRIES.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to send to the Senate copies of the reports of Dr. Samuel Holt Hodgson, of the Marine-Hospital Service, on the diseases of tropical countries of America, or any reports of their officers touching diseases of the insular countries of the Western Hemisphere in 1898 or since that time.

HOUSE BILL REFERRED.

The joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system

of birth and death registration was read twice by its title, and referred to the Committee on the Census.

GRANT OF SCHOOL LANDS TO JUNEAU, ALASKA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes; which was, in line 11, after "purposes," to insert: ", and the Secretary of the Interior is hereby directed to cause a patent to be issued therefor to such municipality upon proof of its incorporation."

Mr. WARREN. Mr. President, I do not understand that the amendment imposes any additional limitations, but it permits patents. I therefore move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

HAWAIIAN SILVER CURRENCY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2210) relating to Hawaiian silver coinage and silver certificates.

The amendments of the House were, on page 1, to strike out all after line 9 down to and including line 5, page 2, and to insert:

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of less than \$500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

On page 3, after line 20, to insert:

SEC. 8. That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Mr. FORAKER. I move that the Senate concur in the amendments of the House.

Mr. COCKRELL. I ask the Senator from Ohio to make a little explanation. Those are the only changes, I understand. Will the Senator state the effect of the changes?

Mr. FORAKER. They are the only changes made, and they are made upon the recommendation of the Treasury Department simply to facilitate the exchange of the coin.

The amendments were concurred in.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day. It will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. Mr. President, it is evident that the resolution proposed by the Senator from Missouri [Mr. VEST], if adopted, would not afford any measure of practical relief to the large number of people in this country who are suffering on account of the scarcity and high price of coal. I assume that the sympathies of every member of this body are as keen as those of the Senator from Missouri for those who under adverse circumstances are struggling at this inclement season to find the means of keeping warm, and I assume also that we are all as anxious as he is to do anything which can be done within the constitutional power of Congress to relieve the suffering of these people.

I will ask the attention of the Senate for a few moments to the practical character of the Senator's resolution. The Senator seems to be anxious that something should be done immediately to relieve the people, in which I agree with him, but he suggests a very unusual method to accomplish that result.

In the first place, he insists upon the formality of instructing the Committee on Finance to prepare and report a resolution to put anthracite coal on the free list. If the Senator was in the hurry he seems to imply by his language, he could have prepared at his desk in one minute a resolution, and could have presented it for the consideration of the Senate at once.

In the next place, his resolution is only partial in its application to the duties upon coal. It only applies to anthracite coal. The importations of anthracite coal into the United States have always been infinitesimal in amount, and would be under any circumstances. In a total importation, for instance, in the month of November, of, I think, something like 400,000 tons, the total anthracite importation into New York was about 63,000 tons.

The coal which would be most certain to come in, whether the duties are reduced or not, is the semibituminous or semianthracite or bituminous coal, such as is mined in Wales and in Canada and in other parts of the world; and this would still be dutiable if the resolution of the Senator from Missouri was adopted.

In the next place, the Senator proposes to afford this relief through a declaration of the power of the Senate to originate revenue bills. The precedents in the Senate and in the House, as well as the restrictions of the Constitution itself, from my standpoint, preclude that action. I understand, of course, that the Senator from Missouri may hold a different view. A different view has been announced by Senators upon the other side of the Chamber. But I submit to the Senate that an attempt to afford relief, which, as the Senator says, is demanded at once, through a method which would only precipitate a discussion here and elsewhere as to the constitutional rights of the Senate and as to the constitutional prerogative of the House of Representatives—a discussion which in its very nature would outlast the coal famine—is not a practical method of securing results.

Mr. HOAR. The House has always taken a position to the contrary.

Mr. ALDRICH. Yes; the House of Representatives has always affirmed the position to the contrary, and the Senate has universally yielded, whatever might have been the individual opinions of Senators as to that contention.

So far as I can see, the purpose of the Senator's resolution is simply to furnish the text for a political speech, or a series of political speeches, or to open here a partisan discussion upon the tariff, and especially upon the duty on coal and its relation to the trusts.

The Senator was kind enough to say, in the course of his discussion, that the reference of this resolution to the committee of which he is a member would be consigning it to the tomb of the Capulets. I will say to the Senator that the committee already have jurisdiction over this subject by the bill which was introduced by the junior Senator from Massachusetts [Mr. LODGE]; that is, so far as jurisdiction can be conferred, and the reference by the Senate to the committee. If this matter is referred to the committee, I promise that Senator and the Senate that that committee will take the matter up at once and consider it in all of its aspects, with a view, if possible, of affording, by some constitutional method, the relief which he seeks.

Now, what has been done in somewhat similar cases by Congress in the past? I think the latest was an appropriation of the funds of the National Government to furnish shelter and food to the people of Galveston. There are a considerable number of other cases which have been supported, very often promoted, by Senators upon the other side of the Chamber, whose opinions as to the constitutional power of Congress are entirely at variance with my own. But there have been a number of cases that might, perhaps, in a certain sense be considered as precedents for the action in this case.

The case of Galveston I have already alluded to. I remember another case in which we appropriated money from the National Treasury to buy seeds for planters whose lands had been overflowed in the Mississippi Valley. I remember also that in certain cases we have remitted duties upon building material, and, possibly, upon other articles, to rebuild the city of Chicago and to relieve Eastport, Me., if I remember correctly, and, I think, in a number of other cases. In fact, Congress has undertaken, with the acquiescence, as I said, of Senators whose views upon this subject are radically different from my own generally, to furnish from the National Treasury means of relief in cases of distress and suffering. Therefore I am not entirely hopeless that some means may be found, if we shall have the acquiescence of the gentlemen upon the other side of the Chamber, for the relief of some portion of the distress in this case.

The question of the proper duties upon coal is not an entirely new one in this Chamber. In the time I have been here I have heard it frequently discussed. So far as I know, there has been with a few exceptions a pretty nearly unanimous demand upon the other side for free coal. That demand has been most vociferously asserted for twenty years in this Chamber, always, I believe, except one day in the year 1894, when a tariff bill was here from the House of Representatives which removed all the duties upon coal. The Committee on Finance, then a Democratic committee, there being a considerable Democratic majority in this Chamber, had reported a bill. It proposed a duty of 40 cents on coal. The Senator from New York, Mr. HILL, when that item was reached, made a motion to strike out that item from the bill and to leave coal free, as it had passed the House of Representatives. Those of us who had listened to the arguments of the Senator from Missouri [Mr. VEST] and his associates upon this floor day after day and month after month for years in favor of free coal were curious to see what would happen when the vote was taken upon that proposition. The Senator from Missouri and all of his associates upon that side, with the exception of Mr. HILL, voted against free coal and for the retention of a duty of 40 cents. In other words, for every day of twenty years, except the one day when it could have been had by their own votes, these gentlemen were in favor of free coal.

Mr. HOAR. The Senator from Missouri helped to frame the bill.

Mr. ALDRICH. The Senator from Missouri, of course, as the Senator from Massachusetts suggests, was one of the three Senators who framed the bill. He was a leading member of the Finance Committee and one of the members who voted against the free coal and for the imposition of the duty upon it. He was followed, as I said, by the solid vote of the Democratic side of this Chamber with the exception of the Senator from New York.

You have always been in favor of free coal when your opinions were of no value to the country. On the one day when by your own votes you could have given the country what you call the boon of free coal you deliberately and unanimously voted the other way.

I suggest that it comes with ill grace from Senators who have occupied this position to criticise the act of the Senate in 1897 in making the changes which they did in the House schedule.

The Senator from Missouri is mistaken in that regard when he says that the Dingley bill, so called, as it came from the House of Representatives, imposed a duty of only 40 cents a ton on coal. It imposed a duty of 75 cents, which was reduced here to 67 cents. It imposed a duty upon coal slack and culm, as I remember it, of 30 cents, which was reduced here to 15 cents.

Now, I do not believe that the Senator from Missouri or any Senator in this body will seriously claim that the duties upon coal have had anything to do with the existing conditions. The Senator alluded in the course of his remarks to the high price of wood in Missouri and said that the people were suffering on that account. Is that owing to the fact of the duties upon coal? The coal product of the United States to-day is equal to three-fourths of the combined product of the two other largest producing countries in the world—Great Britain and Germany. We are producing under normal conditions in the United States nearly 300,000,000 tons of coal. The largest importations which have ever taken place have been 400,000 tons in a month, or about 1 per cent of the current consumption.

The Senator alluded to the fact that the price of coal had been advanced from five to ten, twelve, or fifteen dollars a ton. Was that on account of the 67 cents duty which was imposed on coal containing less than 92 per cent of fixed carbon? Can any Senator contend that the duty has had any particular practical effect upon existing conditions?

Perhaps I should say a few words—I do not intend to occupy the time of the Senate at any length—in regard to that peculiar provision of the existing law which imposes a duty upon coal containing less than 92 per cent of fixed carbon. As I stated on the day before yesterday, in answer to the question asked me by the Senator from Minnesota [Mr. NELSON], that provision was inserted at the instance of a Senator from the Pacific slope, my friend the Senator from California [Mr. PERKINS].

The statement was made to the committee that in California, from Australia, and possibly from British Columbia, large importations were being made of a semibituminous or a semianthracite coal containing a comparatively small per cent of carbon, which was being admitted into San Francisco as anthracite coal, free of duty. It was said to us that the admission of that coal was a fraud upon the revenue, was a fraud upon the coal producers of Washington and the other States on the Pacific slope, and that it should not be permitted any longer to go on. We were also told—and furnished the statements of experts—that any coal which contained 92 per cent or a greater amount of carbon was anthracite coal; that the Welsh coal contained at least 95 per cent of carbon; that true anthracite coal would still continue to be admitted to this country free of duty, and that the only kind of coal to be affected by the change were those of the nature I have suggested, of a semibituminous character, which were really bituminous coal and should be classified and a duty levied upon them as upon other bituminous coal.

This provision—and I say this in justice to the Pennsylvania interests, where all the anthracite coal deposits in this country are practically located—was opposed emphatically by the representatives of that industry. They said: "We do not want any duty upon anthracite; we are to-day exporting a very large amount of coal; and under no possible conceivable circumstances can there be any considerable importation of anthracite coal." Notwithstanding this protest, the committee, believing that there was certainly something in the statement of the Senator from California that was entitled to equitable consideration, adopted finally the provision which went into the bill.

Mr. PERKINS. The Senator from Rhode Island will permit me to say that in that proposition I had the support of my then Democratic colleague in the Senate, Mr. WHITE.

Mr. ALDRICH. That is true.

Now, I suggest to the Senator from Missouri that he allow this resolution, without contest, to go to the committee of which he and myself are both members and that we there honestly and

earnestly take up this question with a view to seeing if we can, within our constitutional rights and privileges, find some method by which we can furnish relief promptly and efficaciously to the people who are suffering in the manner which the Senator has so graphically described.

Mr. VEST. Mr. President, if any additional argument were necessary with me why this resolution should not go to the Committee on Finance it has been furnished by the remarks of the chairman of that committee. It can be read between the lines that he is opposed to the adoption of the resolution.

As I said the day before yesterday, why should this resolution go to the Committee on Finance? Bills and resolutions are sent to committees in order to obtain information. What information do we desire? How long are we to debate this question when the country is in the condition in which it is now? If a blizzard should come, as is now threatened, what would be the result in the seaboard cities, throughout the country? There would be suffering, disease, and death; and in the meantime the Committee on Finance would be looking for some constitutional method to give relief to the freezing people of the country.

Mr. President, I object to the resolution going to that committee. I repeat, that it goes to the legislative tomb of the Capulets. I have served in this body long enough with the Senator from Rhode Island to know that if he wants to destroy a bill or resolution, no member in this body is more adroit or successful. What chance would the resolution have in that committee after what he has said here to-day?

The Senator speaks of the great inconsistency on my part and on the part of other Democrats who want to put anthracite coal on the free list, and he cites the fact that when the Wilson bill—also called the Wilson-Gorman bill—in 1894 was before this body, the then Senator from New York, Governor Hill, who was opposed to the bill which we reported, with whom I contended for a week on this floor while the Republicans of the Senate sat silent, enjoying the combat between two Democrats, moved to put coal on the free list; and he did it, as every Senator here knew, for the purpose of embarrassing the majority of the Finance Committee, then Democratic, and for the purpose of beating the bill that we were then attempting to pass through Congress.

The Senator from Rhode Island knows as well as I know how that 40 cents a ton happened to be put upon coal in the Wilson bill. It is an open secret, known to everybody, that there were five Democratic Senators opposed to the bill who were in such a position that they were enabled to dictate what should be placed in the bill, as without their votes its defeat was absolutely certain. A large majority, and, in fact, all except those five Senators, were in favor of free coal.

I can speak now without violating any rule of the Senate of what happened in the caucus and the committee so far as the Democrats were concerned in regard to that coal tax. The President of the United States, at that time Mr. Cleveland, urged free coal upon the Congress, and we endeavored—I mean the majority—to put such a provision in the bill.

But, to use the plain vernacular, we were held up and told that if we dared to put free coal into the bill the measure would be defeated, and without four of the votes out of the five of those opposed to the bill defeat was absolutely certain. We compromised upon 40 cents a ton. Those were the best terms that the majority could obtain; and when an opponent of the bill joined the Republicans, who were anxious to beat it in any way, and moved to put coal upon the free list, we voted against the motion in order to carry out the compromise and pass the measure with a duty on coal of 40 cents on the ton.

But what does that amount to now? What does it now matter how anybody voted in 1894? Is that an answer to the poor, freezing people who now demand immediate relief from present conditions? The question with us is, What shall we do now? Shall we spend our time in sending a relief measure to a committee that we know to be opposed to it? Is that the remedy we propose?

The Senator speaks of the constitutional objections to the Senate moving in this matter. The Constitution of the United States says that all measures "for raising revenue shall originate in the House of Representatives." That provision came down to us, as every schoolboy ought to know, from that terrible struggle in England between the Commons and the Lords and the King; and the Commons finally triumphed, after a civil war, by putting the provision into the laws of England that all taxing bills or bills to raise revenue should first come from the immediate representatives of the people. If Senators will take the trouble to examine the debates on the Constitution in 1789, they will find that this provision in the Constitution of the United States came to us from our British forefathers, with the addition that after a bill to raise revenue had originated in the House of Representatives and come to the Senate the power of amendment in this body was expressly provided for.

But, Mr. President, I am anxious to secure some sort of a vote,

and with a few other remarks in answer to the Senator from Rhode Island and in justice to myself, I shall leave this matter to the Senate.

I stated yesterday that Mr. Dingley, the author of the Dingley bill, had declared that the duties in that bill were made higher than they would have been in order to form a basis or margin for the creation of commercial treaties or reciprocal treaties or arrangements with foreign nations. I made that statement upon information which I believed to be absolutely correct, and I will ask the Secretary to read the newspaper clipping which I send to the desk from the Washington Post of September last, to which my attention was called at the time, and that statement was repeated several times after its first publication.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Secretary will read as requested.

The Secretary read as follows:

The Post has repeatedly stated that Mr. Dingley and his Republican associates on the Ways and Means Committee put some of the schedules higher than they would have been if they had not been framed with a view to early reduction through reciprocity treaties. The Bulletin asserts that Mr. Dingley, while he was engaged in framing the present tariff, frankly declared in a private conversation with the editor of the Bulletin that he believed that some of its schedules were too high to be permanently maintained. He said: "We are purposely making them too high, because we want them as a basis which will enable us to offer foreign countries material inducements to enter into reciprocity treaties with us. When other nations seek closer commercial relations with the United States we can largely reduce duties in many directions in return for the entrance of American products into their markets without depriving our own industries of the protection which they really need."

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maine?

Mr. VEST. Certainly.

Mr. HALE. What is the date of the communication or editorial, whichever it may be, which has just been read?

Mr. VEST. September 20.

Mr. HALE. Last September?

The PRESIDING OFFICER. The Secretary informs the Chair that the editorial is dated September 20, 1902.

Mr. HALE. I do not wish—

Mr. VEST. Did the Senator from Maine ask me another question? I could not hear.

Mr. HALE. I was going to say—I do not wish to interrupt the Senator by saying anything that will interfere with his time—upon this newspaper article that is brought in, containing a most remarkable statement of what Mr. Dingley, who was a colleague of mine in the House of Representatives, said in some private way, that the statement is not made until nearly four years after Mr. Dingley's death. It was never made in his lifetime, though he lived and was a great and useful public servant for a year or more after the passage of the bill bearing his name.

Mr. Dingley was a man of great integrity, private and public. He secured the confidence of the great body of which he was a member by an outright, plain, and simple way of stating his convictions upon every subject. He mastered the details of every subject. He was subjected in that body to constant questioning and scrutiny and the clearest and closest and fiercest observations; and yet never during the time when he was ably conducting to a final and triumphant passage the great bill that bears his name was any intimation given or heard from anywhere that, deliberately, the schedules in the Dingley tariff bill had been marked up, as a tradesman marks up his goods, in order to take them down afterwards. That was not Governor Dingley's style of legislating.

I have no doubt whatever that this report is entirely baseless. If any man to-day has led himself to believe that Governor Dingley ever made such a statement as that, he is mistaken.

The Dingley bill had the merit of entire freedom and clearness and amplitude, and shirked at nothing. It never pretended to be anything more than it was—a great, magnificent, and munificent gift to the American people in the cause of protection and prosperity.

Mr. HOAR. Mr. President, I wish merely to say a word about this matter of the constitutional right of the Senate to institute a bill like this.

The introduction of bills or resolutions in the Senate is well enough to make known the individual opinion and purpose of their author or on which to hang debate, but they are as idle and futile as a method of advancing desired legislation as can possibly be imagined.

The House of Representatives has declared more than once, in formal and in informal controversies with the Senate that, in its judgment, a bill to reduce or abolish a duty came within the constitutional privilege of the House, because, although it did not precisely raise revenue, the revenue which it took away must be replaced or might ordinarily be required to be replaced by the raising of other revenue, which would be germane and almost

inextricable in the same bill, and, therefore, the two subjects were absolutely inextricable.

The House of Representatives once, as I am reminded by my honorable friend from Wisconsin [Mr. SPOONER], passed unanimously a resolution to this effect:

Resolved, That this House maintains that it is its sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or taxes, and in the exercise of this privilege, in the first instance, to limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction, subject to the right of the Senate to "propose or concur with amendments, as in other bills."

Mr. President, that resolution was not only supported by the unanimous vote of the House, which is pretty important authority, but it also was supported by very high individual authority. It is signed Samuel Hooper, long chairman of the Committee on Ways and Means in the House of Representatives, one of the clearest-headed, wisest, and ablest of men who ever dealt with that difficult branch of legislation. Mr. Hooper is dead.

The next name signed to that report is that of WILLIAM B. ALLISON, in whose eulogy in the course of nature it is not likely it will be assigned to me to take part, and I, therefore, will omit what every other member of the Senate knows it is not necessary to say.

The third authority is that of Mr. Daniel W. Voorhees, the last Democratic chairman of the Finance Committee in the Senate, and the chairman of the committee that reported the last Democratic tariff bill.

Now, in the face of that claim of the House of Representatives so supported—and that was not the first time the House had taken that attitude—is it not apparent that the Senator from Missouri introduces this resolution for the purpose of making his admirable speech, and that he can not possibly have the least idea that within the six or seven weeks which remain of this session he shall first have persuaded the House of Representatives to yield its constitutional prerogative and then have settled the perplexing question of the duties on coal?

But, Mr. President, that is not all. The greatest constitutional authority in this country—save Marshall, as we all agree on both sides—Mr. Webster, declared in the Senate that, whatever might be the opinion of the Senate on this question, it was in the nature of the case absolutely clear that it was a matter which must be settled always by the sole opinion of the House of Representatives, and that, whatever the Senate might think, the House was the sole constitutional judge of the extent, meaning, and scope of that constitutional provision.

A little reflection will show that Mr. Webster was clearly right. We can not refuse to consider a House bill on such a subject, because we are bound to consider their bills, and we do not deny that they have the right to originate them. So of course we can not interfere with their bills. On the other hand, the House has a perfect right to refuse to consider bills which it regards as bills for raising revenue, when they come from the Senate, on the constitutional ground that we have nothing to do with that subject in its origin, and we can not help ourselves.

So practically the Constitution has tied our hands, and the worst thing that can happen to the cause of relieving the present distress of the people by getting free coal, either for a time or permanently, is what the Senator from Missouri has caused to happen, as far as he can—that is, the stirring up of a controversy between the two Houses of Congress.

Mr. VEST and Mr. MORGAN addressed the Chair.

Mr. ALDRICH. Will the Senator from Missouri yield to me for a single moment?

Mr. MORGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. MORGAN. I thought the Senator from Missouri had yielded the floor.

Mr. VEST. Of course I will yield for a question. I have never declined to yield to anyone since I have been a member of this body.

Mr. ALDRICH. I will withdraw the request if it is not agreeable to the Senator from Missouri.

Mr. VEST. I am perfectly willing to yield to the Senator.

Mr. ALDRICH. I simply want to make a statement, which will take about two minutes, to supplement the statement of the Senator from Massachusetts [Mr. HOAR].

The Senate itself in precisely the same character of case arrived at the same conclusion in 1844—

Mr. MORGAN. I do not think, Mr. President, that this resolution can be disposed of until the remarks of the Senator from Massachusetts [Mr. HOAR] have been discussed to some extent.

Mr. ALDRICH. In 1844 a bill was offered in the Senate to reduce the duties imposed by the act of 1842. It was referred to the Committee on Finance, of which George Evans, a great man from the State of Maine, one of the ablest men we have ever had

at the head of that committee, was chairman. He reported it back with a resolution that a bill to reduce duties was not within the constitutional power of the Senate to originate and pass.

This resolution was discussed for several months. It was finally passed on the 31st day of May, 1844, by practically a unanimous vote of the Senate—by a vote of 81 to 4—and among the Senators supporting it I will mention the names of James A. Bayard, Thomas H. Benton, James Buchanan, Rufus Choate, John M. Clayton, Nathaniel Niles, William C. Rives, James F. Simmons, and Silas Wright.

Both sides of the Chamber, all the political parties, united in the solemn declaration that in their opinion a bill to reduce revenue was not such a bill as it was competent for the Senate of the United States to originate.

Mr. VEST. Mr. President, I was very well aware when I introduced this resolution of the great difference of opinion that existed upon the constitutional question which has just been discussed. I preferred offering the resolution, however, to introducing a bill, because, as I stated day before yesterday, I believed that the bill would be referred to the Committee on Finance under the ordinary rules of the Senate and would there be disposed of in a pigeonhole and never be heard of afterwards.

My object in offering the resolution instructing the Committee on Finance was to call attention to the condition of the country and to direct the attention of Congress particularly to the necessity of some action. I was aware perfectly, without further information on the subject, that the House of Representatives would resist our right even to reduce taxes, as they have always done, but when the President of the United States called upon Congress in his message to remove the duty on anthracite coal, and more than a month elapsed, and we were in the midst of a coal famine, with the hardest months of the whole winter at our doors, and nothing was done by his own party, I thought that even a poor Democrat could make a suggestion which might hurry action upon this important question.

I waited until after the recess; waited until coal had come to such a price as to be beyond the reach of the poor, and even the middle classes, in the seaboard cities and throughout the country. No action was taken; no suggestion was made; and it seemed to me, without any partisan view or any personal object—my career being about to close in public life—it seemed to me, as a matter of sheer duty, that somebody should take the initiative, and excite, if that is the proper word, some action by the Congress of the United States in this great emergency.

All I want is a vote, because the expression of opinion even by the Senate of the United States will hasten action upon the part of the House and do away with the necessity of spending weeks in the discussion of the constitutional rights of the Senate to lower taxes. I have my own opinion on that question, notwithstanding the great authority cited by the Senator from Massachusetts and the Senator from Rhode Island. I have endeavored to study the origin of that clause in the Constitution, and I believe the Senate has the right to reduce taxes, no matter what may be said by the House of Representatives. The Supreme Court of the United States has never decided to the contrary. All that can be cited here are the opinions of public men and votes in the Senate upon that question years ago.

But, now, Mr. President, I was prevented from placing before the Senate a paper which I want the Secretary to read. I will ask him to read this letter, with the accompanying newspaper clipping, and I will explain how and why I obtained it. I recur now to the statement in regard to Mr. Dingley, for whom I had very great regard and against whose memory I would not utter one single syllable or suggestion. He was a pure man. I did not agree with him politically, but I served on committees with him, and I always found him a perfectly frank, honest public man in every regard. Our personal relations were always of the kindest character. I realized in his case, as in that of many others of political opponents, the great truth uttered by President Garfield, when speaking of his political opponent, Allen G. Thurman, alluding to their personal relations, that the sweetest fruit often hung over the party wall. That is my experience.

After my attention was called to these repeated publications in the Washington Post that Mr. Dingley had made this statement to the editor of the Philadelphia Bulletin, knowing the Bulletin to be a staunch Republican paper, a great defender of the protective system, I telegraphed to the editor of that paper and requested him to write me what were the facts and if Mr. Dingley had ever made the statement attributed to him by the Post; that I had quoted the statement, giving the substance of it, in the Senate; that it had been emphatically contradicted by the Senator from Rhode Island, the chairman of the Finance Committee; that I did not want to be put in the position of manufacturing a statement which might be construed to reflect upon a public man, now dead, for whom I had the kindest regard.

Now I will ask the Secretary to read the letter and the extract inclosed.

The Secretary read as follows:

THE EVENING BULLETIN,
THE BULLETIN COMPANY, W. L. McLEAN, PRESIDENT,
Philadelphia, January 6, 1903.

HON. GEORGE G. VEST,
United States Senate Chamber.

DEAR SIR: The statements referred to in the inclosed editorial article, which was published in the Bulletin September 20, 1902, were made in a conversation between Mr. Dingley and a writer who is now on the staff of the Bulletin. The interview took place in March, 1897, at the hotel in Washington where Mr. Dingley was stopping, and he was then engaged in framing the tariff which afterwards bore his name.

MR. HALE. Will the Secretary again read the statement with respect to the date when the conversation is alleged to have taken place?

The Secretary read as follows:

The interview took place in March, 1897.

MR. HALE. That is the date.

The Secretary continued and concluded the reading of the letter, as follows:

The interview took place in March, 1897, at the hotel in Washington where Mr. Dingley was stopping, and he was then engaged in framing the tariff which afterwards bore his name.

The conversation, you will bear in mind, was entirely of a private and confidential character.

Yours, very truly,

WILLIAM PERRINE.

MR. HALE. Mr. President—

MR. VEST. Let the Secretary read the article.

The Secretary read as follows:

PUBLIC SENTIMENT AND THE TARIFF.

The stir which has arisen in Republican ranks over the question of tariff revision in accordance with the lines laid down in the Iowa Republican platform calls attention to the fact that a foundation for the substantial modification of existing high duties already exists in the list of reciprocity treaties which have long been pending before the United States Senate.

There are more than a dozen of these treaties, including commercial agreements with France, with most of the West Indian Islands, and with several South American countries. If President Roosevelt should urge their ratification, and if he should be able to command a sufficient number of votes in the Senate to secure the acceptance of this policy, an important step would be taken toward the removal of trade restrictions which a growing body of Republican sentiment is disposed to consider as onerous and unnecessary.

In connection with this development it is worth while now to recall the fact that the late Representative Dingley, while he was engaged in framing the present tariff, frankly declared in a private conversation that he believed that some of its schedules were too high to be permanently maintained.

"We are purposely making them too high, because we want them as a basis which will enable us to offer foreign countries material inducements to enter into reciprocity treaties with us. When other nations seek closer commercial relations with the United States we can largely reduce duties in many directions in return for the entrance of American products into their markets without depriving our own industries of the protection which they really need."

The death of the former chairman of the Ways and Means Committee has removed the seal of secrecy from this statement to us, and his words are of especial interest at the present time when the question of lowering duties is engaging the minds of so many Republicans. Nobody in his senses would ever have accused Mr. Dingley of disloyalty to protection principles. His utterances five years ago, before the trust issue had assumed present proportions and before such consolidations as the United States Steel Company were created, assuredly indicate that if this particularly staunch protectionist were in public life to-day his voice would be heard in favor of judicious tariff changes which should curb the accumulation of gigantic profits at home and strengthen the foothold of American commerce abroad.

That this was the fixed purpose of President McKinley when in his memorable last speech at Buffalo he declared, "The period of exclusiveness is past," can not be doubted by reasonable and unprejudiced men. If McKinley's successor, in his speeches throughout the West where Republican belief in tariff modification is apparently steadily increasing in strength, shall enunciate the same purpose, it looks as if he might not only command a formidable degree of public support, but deprive the Democrats of about the only available asset in the way of political issues which they have left for 1904.

MR. HALE and MR. VEST addressed the Chair.

THE PRESIDENT pro tempore. Has the Senator from Missouri yielded the floor?

MR. VEST. I prefer, if the Senator from Maine will permit me, to make a few remarks, and then he can take the floor.

MR. HALE. I will certainly wait until the Senator finishes.

MR. VEST. Mr. President, it will be said, doubtless, as was stated the other day by the chairman of the Committee on Finance, that the reciprocity clause of the Dingley Act was inserted by the Senate and not by the House of Representatives when Mr. Dingley framed the bill. But that amounts to nothing when analyzed. It is perfectly consistent with the report made by the Philadelphia Evening Bulletin as to what Mr. Dingley told one of the editors or correspondents of that paper. Those remarks are perfectly consistent with the statement by Governor Dingley that the duties were put higher with a view to reciprocity in the future. That he did not put the provision for reciprocity in the bill in the House amounts to nothing as an argument, because he might have contemplated, as was eventually the case, reciprocal arrangements in the form of treaties. Those treaties are now pending in the Senate.

Not to weary the Senate by further remarks and arguments on this question, I have here a newspaper extract which I will ask to have inserted in my remarks without being read. It is taken

from the Evening Post of New York, and gives a very valuable statement in regard to the legal status of the question of the duty on anthracite coal after the passage of the Dingley Act. I wish it to be read and laid before the Senate to show that the question whether there is a duty on anthracite coal has been determined by the courts, including the Supreme Court of the United States, and that the legal status of this question has been fixed absolutely by judicial interpretation. I will ask the Secretary to read.

The Secretary read as follows:

"The two sections (415 and 523) of the act may be combined, and form one clear, concise, and logical enactment, providing that coal of any description whatsoever, containing less than 92 per cent of fixed carbon, is liable to a duty of 67 cents per ton, while anthracite coal, containing 92 per centum and more of fixed carbon, is to be admitted free."

An appeal was taken by the importer from the decision of the United States circuit court to the United States circuit court of appeals, and the opinion of that court will be found in 100 Fed. Rep., 442 (Feb. 5, 1900), and this court unanimously sustained the lower court, and in its opinion states:

"The ordinary and plain meaning of these paragraphs would seem to leave no doubt as to their proper construction. Read in pari materia they are susceptible of but one meaning. * * * If it be true, as appellant claims, that no anthracite coal exceeds the per cent on which the duty is imposed, then the argument here made should be addressed to Congress, with the view of securing a change in the law, instead of to the courts. We do not make the law, nor have we any right to amend; and it is not within our province to question its wisdom, policy, or expediency."

The importer tried to appeal from this decision to the United States Supreme Court, and presented his petition to that court for a writ of certiorari, which was denied April 23, 1900. And presumably the Supreme Court held the same views of this law as the lower courts, otherwise it would no doubt have granted the petition.

So that this question of whether anthracite is free has been litigated to the fullest extent permissible under our laws. And the question as a matter of law is fully and finally settled, and has been for several years.

MR. VEST. Mr. President, there is another point. My attention has been called to a very singular condition of affairs at certain ports of entry of the United States on the Atlantic seaboard. Since the passage of the Dingley Act the collectors, appraisers, and naval officers to whom by law is committed that duty have analyzed and tested all coals coming into the United States from foreign countries, and if they found that there was less than 92 per cent of fixed carbon they have imposed a duty of 67 cents a ton. If, on the contrary, the analyses and tests showed that there was more than 92 per cent of fixed carbon, the coal was permitted to enter duty free. This was in strict accordance with the provisions of law, and they simply observed their oaths when they carried out their duties under those provisions.

When it became evident that any adjustment of the difficulties in the anthracite region was almost impossible, and when the President found it his duty to ask for interviews between the coal barons and the representatives of the labor unions, the Secretary of the Treasury, Mr. Shaw, issued an order—a most remarkable order, it seems to me—in September last, that after October 1 when a controversy arose between the United States and the importers of foreign coal as to whether they were dutiable or not all doubts should be solved by the officers at the ports of entry in favor of the importer. This was obviously done by the Secretary of the Treasury to induce the importation of foreign coal without touching the sacred white elephant of the Dingley tariff.

Under that instruction a singular state of affairs has come to pass. At two of the largest ports of the United States, Philadelphia and New York, the officers—the collectors—instead of applying the analyses and tests which the law requires, take the affidavit of the importer as conclusive; and of course—I say "of course," that is human nature—he endeavors to make the impression that his coal is above 92 per cent of fixed carbon in order to escape any duty at all.

At two other ports, the two next in size, Boston and Baltimore, the officers refuse to pay any attention to this extraordinary order by the Secretary of the Treasury, and they now apply the analyses and tests as was their duty and is their duty to do. So we have one rule in one port and another in another; and I ask the Secretary now to read three letters, one from the collector of the port of Boston, one from the collector at Baltimore, and one from the collector at Philadelphia. These letters were in reply to applications by Mr. W. J. Gibson, a reputable attorney in New York, and were published by him in the Evening Post. I will ask the Secretary now to read the three letters.

THE PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Baltimore, Md., December 10, 1902.

WILLIAM J. GIBSON, Esq.,
31 Nassau Street, New York, N. Y.

SIR: This office is in receipt of your letter of the 9th instant, asking to be informed if any duty has been collected at this port on anthracite coal since October 1, 1902; and if an analysis or test is made of all anthracite coal imported where it is alleged to contain 92 per cent or more of carbon.

Replying to your first inquiry, I have to say that duty has been assessed on anthracite coal since the date mentioned; and to the second, analysis has been made of all anthracite coal imported here.

Respectfully, yours,

P. F. STONE, Collector.

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Boston, Mass., December 10, 1902.

WILLIAM J. GIBSON, Esq.,
Attorney at Law, 31 Nassau street, New York.

DEAR SIR: Replying to yours of the 9th instant, I would say that since October 1 last duty has been collected on all anthracite coal imported into this port. There have been importations of such since the 7th idem.

An analysis or test has been made of all such coal where the importer claimed or made oath it contained 92 per cent or more of fixed carbon.

Respectfully,

GEORGE H. LYMAN, Collector.

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Philadelphia, Pa., December 10, 1902.

WILLIAM J. GIBSON, Esq.,
31 Nassau street, New York, N. Y.

SIR: Replying to your letter of the 9th instant, I have to inform you that since October 1, 1902, there have been two cargoes of anthracite coal imported into this port. The said coal was classified free of duty under paragraph 523 of the present tariff act. No analysis was made. The coal was passed free of duty upon the oath of the importer that it did not contain less than 92 per cent fixed carbon.

Respectfully,

L. G. MARTIN,
Special Deputy Collector.

Mr. VEST. Mr. President, I have had those letters read to verify my statement that at one port one rule obtains and at another port on the same seaboard a very different rule obtains. I do not bring this to the attention of the Senate as a reflection upon the Administration, but I do bring it to the attention of the Senate to show that the Secretary of the Treasury unites with the Secretary of the Navy and with the President of the United States in advancing and promoting the idea that the introduction of foreign coal is the remedy and the mode of relief for the terrible condition that now prevails in the United States.

Mr. HALE. Mr. President, only a single word in reference to the introduction into this question of alleged private communications from Governor Dingley of a character wholly and radically opposed to all his public utterances upon the question and therefore involving him in a charge of insincerity.

Governor Dingley's memory is very dear to the State of Maine. His character was well established there. His range of vision and action was greatly enlarged beyond that State, and he became an authority in whom men in Congress and throughout the United States were glad to trust and believe, and when he died he had a world-wide reputation based upon what is the rock foundation of good reputation—character. No man entitled to that reputation ever did what it is alleged that Governor Dingley did—declare that the bill whose paternity was his did not to the public convey the purposes of its authors and framers, but was a delusion and a snare, and, to repeat the illustration I have used once, that in it he had marked up his goods in order that they might be cut down afterwards.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I suggest to the Senator from Maine that he is probably using stronger language than the occasion warrants. I can see nothing that reflects upon Governor Dingley in this matter in the light of events. The fact that we have pending before the Senate these very reciprocity treaties in which there are great concessions on tariff duties, and which would encourage trade if they were ratified by this body, is the strongest evidence to my mind that whatever may have been Governor Dingley's purpose in putting these duties high, the policy of his party has been exemplified in the fact that those treaties have been had with foreign powers and are now pending here and that nothing but the selfish greed of the people whose protection is reduced prevents the ratification of the treaties.

Mr. HALE. Mr. President—

Mr. TILLMAN. And I do not think Governor Dingley, if I may be permitted, as one humble Democrat, to express the opinion, needs any defense whatever.

Mr. HALE. The Senator would hear from Governor Dingley if he were alive and present upon this floor when this charge has been made, and he would hear from Governor Dingley in no uncertain tones.

I am not dealing with the general question of reciprocity treaties. Let us see what it is that the advocates for a change in the tariff upon coal, or whatever it may be, are driven to for argument—the alleged declaration of the man who had charge of the Dingley bill. Now, what is it? That in March, 1897, Governor Dingley made the statement privately, not it seems to an editor whose name we know, but to a correspondent whose name we do not know.

Mr. CARMACK. A member of the editorial staff.

Mr. HALE. We do not know his name. It is all unknown and blind. It is that Governor Dingley at that critical time, in March, 1897, made the deliberate statement that he had marked

up the schedules on the Dingley bill for the purpose of giving away a portion of them upon reciprocity agreements and arrangements that were afterwards authorized by the bill.

Mr. President, to begin with, nothing was heard by anybody that Governor Dingley had made that remarkable statement until September, 1902—more than five years afterwards—when a newspaper makes this declaration; and at the time when it is alleged that this conversation took place, in March, 1897, not one single thing with reference to reciprocity had been embodied in the bill. Governor Dingley, who was not only able and intelligent, but perfect and complete in his knowledge of the subject, having charge of the bill, trusted by his associates, sustained in the entire bill, had never thought, apparently, certainly had never uttered a word indicating, that there were to be incorporated into the bill these reciprocity arrangements. The bill passed the House and came to the Senate on the very last day of March. Everything in relation to reciprocity was afterwards inserted here in the Senate.

The Senator from Missouri sees the dilemma he is put into, because he has looked at the dates and finds it was impossible that Governor Dingley could have said that. The Senator says he might have had that in his mind and intended to do that. Governor Dingley was a man who, if he had a measure of legislation in his mind upon a bill he had charge of, would have incorporated it into the legislation while the bill was in his hands. But it came—

Mr. BACON. Will the Senator permit me?

Mr. HALE. Certainly.

Mr. BACON. I simply wish to ask the Senator whether it might not have been possible that Governor Dingley, when speaking of reciprocity treaties or instruments of any kind, had in his mind a reciprocity treaty which would not be authorized by the House of Representatives, but which would originate with the Executive in the same way as the pending reciprocity treaty between this Government and the Government of Cuba?

Mr. HALE. No; that is not possible. Governor Dingley was under fire constantly. The debates will show that there was no range of this question he was not interrogated upon, and it is remarkable—

Mr. BACON. The Senator certainly did not understand my inquiry. Possibly it was my fault that I did not make it plain. The Senator will recognize the fact that it is contended by many that a treaty for the purpose of effecting reciprocal arrangements relative to the tariff can originate with the Executive and be ratified by the Senate in the absence of anything in a legislative enactment by Congress directing or authorizing the same. An illustration of that fact is found in the pending treaty between the United States and Cuba for a reciprocal reduction of tariff duties.

Now, the inquiry I make of the Senator, and I do it in furtherance of what I think is justice to Governor Dingley and to remove any idea of impropriety, is whether it is necessary that Governor Dingley should have anticipated the matter of reciprocity and at the same time have limited it to a case where it would have been authorized, as it ultimately was, in the Dingley Act, or might he not have had in contemplation a reciprocity treaty such as that which is now pending between the United States and Cuba, which has not had any legislative authorization?

Mr. HALE. But the allegation is that in this furtive way it was communicated to one man, unknown to us, nearly six years ago. The allegation is not that he was contemplating a possibility that some form of reciprocity might affect this bill, but that he stated broadly and squarely to this unknown man, this anonymous source, that he had deliberately put his schedules up for the purpose of afterwards cutting them down.

Mr. TILLMAN. Mr. President—

Mr. HALE. Now, Mr. President, with my knowledge of Governor Dingley, that is simply impossible.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I suggest to the Senator—while it is not in my province, and certainly I have no interest in this unknown man—that I presume his name could be obtained if necessary. The editor of the Bulletin, as I take it, has communicated to the Senator from Missouri this fact, and he in a measure becomes responsible for its authenticity. If we are going to go at this discussion along lines of circumstantial evidence, as the Senator is contending for a view here based on his knowledge of Governor Dingley's character, it seems to me that we could bring up evidence on the other side and show that it would be impossible for an organ so dyed-in-the-wool protectionist as the Bulletin to slander the father of protection, or rather its highest exemplar in the House of Representatives.

Mr. HOAR. Will the Senator from Maine allow me to make one remark?

Mr. HALE. Yes; I do not intend to take much time of the Senate, but I yield to the Senator.

Mr. HOAR. I beg the Senator's pardon. I merely wish to say that while the Senator was speaking I have sent for the report and the debates on the Dingley bill, and I find it to be true that the committee, which reported it by Governor Dingley, put in a report and in that report and in the debates Governor Dingley and his associates on the committee, among them Mr. GROSVENOR and other men now well known, dealt with the different items where the tariff was raised in their bill, and stated their reasons, the reasons being permanent reasons relating to the necessity and present interests of the country, so that they said to the House every time, "We ask you to put this up so high for this reason," and "We ask you to put this other one up so high for this reason." So that it is totally inconsistent either with frankness or veracity that they should have had this other motive.

Mr. HALE. There is another consideration, Mr. President. I fancy that all of us really look upon this thing pretty much alike. Not many of us are of the importance that Governor Dingley was, but none of us, in our attitude upon a great public question, would want five years after our death to have our sincerity impugned by the irresponsible statement of somebody who said he had a private conversation—yes, a confidential conversation, one involving any kind of word that shows a sacredness about it—five years before. This was never brought to light and never referred to until nearly five years afterwards, and more than three years after Governor Dingley's death. Would any of us want to be subjected to that? We all feel alike about it.

There is no substance in this charge. If the Senators who are in sympathy with the Senator from Missouri have no stronger argument than this to make, and must ransack the past, turn up the grave, and bring up alleged private conversations that have slept for five years in order to show insincerity on the part of men who have had charge of the tariff bill, they are very hardly pushed.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I will yield in a moment.

Mr. President, after the alleged date of this alleged conversation the tariff bill was before Congress for months and months until midsummer. It was in conference a long time, Governor Dingley heading the House conferees. In the meantime this unknown party, who could have made a tempest by his disclosure, and if he had had the manliness, if you call it that, of doing it openly, when Governor Dingley was alive to answer him, sits in silence and never intimates to a listening country that the author, the framer, the finisher of that bill had disclosed to him his insincerity, and that he was marking up his goods that he might cut them down afterwards.

Mr. TILLMAN. Now, Mr. President—

Mr. HALE. Is it possible, Mr. President—certainly it is not probable—that any man to whom Governor Dingley gave his confidence and talked as it is alleged he talked, if he was going to do it afterwards would not do it when Governor Dingley was alive to smite him and declare him, whoever he might be, a falsifier?

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield?

Mr. HALE. Yes.

Mr. TILLMAN. I submit to the Senator from Maine that there is no accusation here against Governor Dingley's character, or his insincerity, or his honesty, or his manliness.

Mr. HALE. The Senator and I disagree about that.

Mr. TILLMAN. Of course the circumstantial evidence, however, is all on the line or on the side of there being no such purpose or intention, and the Senators who sympathize with the Senator from Missouri are not so hard put to it for argument, as the Senator will find before he gets out of this trust question.

Mr. HALE. This is certainly put forward now as the proper time, because—

Mr. TILLMAN. We have only been reassembled for three or four days, and we have hardly got over our Christmas drunks yet, if any of us were so unfortunate as to get drunk. But I contend that the Senator is setting up and tearing to tatters here a man of straw, and it is not an essential part of this debate anyway as to whether Governor Dingley ever said this or not.

Mr. HALE. I did not introduce this episode or bring Governor Dingley into this matter.

Mr. TILLMAN. I dislike very much to be defending a protectionist whom I do not know, but a man who undoubtedly must have been honest and whose intentions we can not lay to so low and dirty a motive as the Senator seems to impute to him is brought forward here and is hammered and clubbed, you might say, with epithets as regards his falseness, his charge of slander

against Governor Dingley, and all that kind of thing. I dislike to see even a dog treated in that way.

Mr. HALE. Let me ask the Senator whether he thinks—

Mr. QUAY. Mr. President, I ask for the regular order.

Mr. HALE. Mr. President, on the intimation of the Senator from Alabama that he desires to discuss this matter further, I ask that it may go over, not losing its place. The Senator from Pennsylvania wants to go on with his bill.

Mr. QUAY. I will withdraw my request until the Senator from Maine can conclude his remarks.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the resolution lie on the table, retaining its present position. Is there objection? The Chair hears none. It is so ordered. The Chair lays before the Senate the unfinished business.

Mr. VEST. If the resolution lies on the table, does it come up at the end of the routine business to-morrow?

The PRESIDENT pro tempore. The resolution will come up in the morning hour. It retains its present position on the table just as a resolution coming over from a previous day, and it will come up on the completion of the morning business to-morrow morning.

Mr. VEST. If that is the case, then I have no objection.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, I wish to give notice that, after the routine business to-morrow morning, I will ask to have the militia bill laid before the Senate.

ADJOURNMENT TO MONDAY.

Mr. BEVERIDGE. Mr. President—

Mr. ALDRICH. Will the Senator from Indiana yield to me in order to make a motion affecting the convenience of Senators?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. I move that when the Senate adjourns to-day it adjourn until Monday next.

The PRESIDENT pro tempore. Does the Senator from Indiana yield for that purpose?

Mr. BEVERIDGE. Certainly.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. This motion is not a subject of debate.

Mr. TILLMAN. I know that. I note the absence of the Senator from Pennsylvania [Mr. QUAY] who has the pending bill in charge.

Mr. ALDRICH. I have already consulted him.

Mr. TILLMAN. That is all right. I simply did not want any unfairness taken of his absence.

Mr. ALDRICH. I should not do that anyway.

Mr. TILLMAN. Of course not.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, yesterday when the resolutions of the nonpartisan convention representing the people of Oklahoma and Indian Territory was laid before the Senate the question was asked whether or not that included any Indians or representatives of any tribes or nations. I knew nothing more at that time save what the dispatches in the daily papers showed; but since then I have information to the effect that the Chickasaw, Choctaw, Creek, Cherokee, and Osage Indians were represented in the convention, and that more would have been present were it not for the circumstance that on account of the allotments of land under the Dawes Commission the Indians are very largely detained at home.

Just one word more before the Senator from Minnesota proceeds. My attention has been called to a resolution of the Spanish-American War Veterans, Booth Camp, presented by the Senator from Pennsylvania [Mr. QUAY] this morning and read. It requires merely one comment, because when that comment is made it will be seen that the resolution has no foundation upon which to rest. There are two whereases in the resolution, the second of which is—

Whereas in their report they—

The Committee on Territories—

state that the citizens of these Territories, especially in New Mexico, are not fit to become citizens of a State: Therefore, be it

Resolved—

Mr. President, that statement, which is the foundation of the resolution, shows conclusively on its face that the camp did not and could not have had before it at the time the report of the committee of which they complain, because the committee's report makes no such statement. On the contrary, it is stated and repeated that of many of the citizens down there there are among them excellent qualities of citizenship, and that for very many of them absolutely too much can not be said. Yet in the face of that distinct statement, a conspicuous statement of the report, we have a resolution here which is based upon the allegation that our report states that the citizens of these Territories are not fit to become citizens of a State. This simply proves, therefore, the worthlessness of the resolution based upon a statement which, if they had had the report before them, would have disproved the statement itself.

Mr. President, the resolutions therefore show on their face, I say, that the camp did not have before them and could not have been aware of the statements of the report, which are not in accordance with what the resolutions say the committee stated. It can only be explained upon the ground that a report was given to them of somebody's opinion as to what the committee said, and they took that inference as to what the committee said for a fact, and thereupon included that statement made to them as being what the committee had actually said. If it be true that the whereas on which a resolution is based is not only not correct, but states the reverse in part of what the committee said, the value of the resolutions themselves will become apparent to the whole Senate.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. NELSON] is recognized. Does he yield to the Senator from North Dakota?

Mr. NELSON. I yield to the Senator from North Dakota.

CONSIDERATION OF THE CALENDAR.

Mr. McCUMBER. I understand the Senator from Minnesota does not desire to speak longer than 4 o'clock this afternoon. I would therefore ask unanimous consent that the time from 4 until 5 o'clock this afternoon be given to the consideration of unobjected pension bills on the Calendar. There are somewhere about 200 cases, I think, on the Calendar.

Mr. BATE. We can not agree to that unless it is distinctly understood that it does not affect in any way whatever the statehood bill. We can not give up the right it has as the unfinished business of the Senate.

The PRESIDENT pro tempore. The unanimous consent asked would be that the pending bill be temporarily laid aside and that the Senate proceed to the consideration of unobjected pension cases after 4 o'clock. That would be the way the Chair would put the request.

Mr. BATE. The Senator who is looking after the measure on our side, the Senator from Pennsylvania [Mr. QUAY], is not here. I do not know, however, as it is suggested that the time after 4 o'clock shall be devoted to these bills, that we ought to make any objection. I understand that the Senator from Minnesota is to go on until 4 o'clock and that then the matter the Senator from North Dakota speaks of comes up.

Mr. McCUMBER. Yes, for simply one hour after 4 o'clock.

The PRESIDENT pro tempore. The Chair begs to assure the Senator from Tennessee that it could not interfere with the position of the statehood bill.

Mr. BATE. The status of it I want kept.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock and thenceforward on this same day the unobjected pension cases may be considered and that the pending bill may be temporarily laid aside for that purpose. Is there objection?

Mr. MORGAN. I desire to say that we ought to consider some other bills beside pension bills. I would suggest to the Senator to say "bills on the Calendar."

Mr. FORAKER. May I inquire what is the request?

The PRESIDENT pro tempore. The request of the Senator from North Dakota is that the pending bill be temporarily laid aside at 4 o'clock and that thereupon the unobjected pension cases may receive consideration.

Mr. MORGAN. I hope the Senator will change his request.

Mr. McCUMBER. There are quite a number of pension bills—over 200—now on the Calendar.

Mr. MORGAN. Suppose there are, Mr. President; the beneficiaries of those bills are not the only persons in the United States who are entitled to the attention of this body.

Mr. McCUMBER. The others are comparatively few. However, if the Senator objects, I will modify my request.

Mr. WARREN. I hope the Senator will include the Calendar as proposed.

The PRESIDENT pro tempore. Does the Senator from North Dakota change his request?

Mr. McCUMBER. I do.

Mr. FORAKER. I ask what is the request? I want to make an inquiry before I consent to it. Does the Senator from Minnesota [Mr. NELSON] propose to address the Senate in continuation of his speech?

The PRESIDENT pro tempore. He does, until 4 o'clock.

Mr. FORAKER. He does not contemplate concluding to-day? I wanted to inquire whether or not he thought if we went on until 5 o'clock he could get through to-day.

Mr. NELSON. No, I think not. I think it will take me fully another day.

Mr. FORAKER. It will take another day after this?

Mr. NELSON. After to-day, to finish my remarks.

Mr. FORAKER. In view of the adjournment over until Monday, I was hoping the Senator might be able to conclude to-day; but inasmuch as the Senator could not conclude to-day, I will agree to the request of the Senator from North Dakota.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock the pending bill be temporarily laid aside and that unobjected cases on the Calendar shall receive consideration in their regular order. Is there objection? The Chair hears none, and the order is made.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, I have up to this time devoted my attention in my remarks to the consideration of the cases of the Territories of Arizona and New Mexico. I now propose to give consideration to the case of the Territory of Oklahoma, including the Indian Territory, to show that these Territories ought to be united and admitted as one State, and also to show that it would be unjust and utterly cruel and a great hardship to leave the great mass of the white people who are now living in the Indian Territory without any government and in the condition which they now occupy.

I have always, Mr. President, been a friend to the people of Oklahoma. Some two years ago a bill which they were more interested in than were the people in any other Territory or any State of this Union—the bill known as the free-homestead bill—was, on my motion, taken up and passed by the unanimous consent of the Senate. I was glad I had that opportunity to encourage and aid those worthy and progressive people to secure their homesteads on the same terms as people in other portions of the country.

Mr. President, I do not want anybody to understand or believe that in this matter of uniting the Territory of Oklahoma and the Indian Territory into one State it is a notion of my own or that it is something which has simply come from the committee. In order to show the Senate that I and the majority of the committee in reporting the substitute for the House bill and in advocating the union of Oklahoma and Indian Territory are not actuated by any selfish considerations; that we are not actuated by anything but the good of the people of the Territory; in fact, that we are moving in this manner in obedience to the public sentiment and the unanimous will of those people in support of that, and in order to show the good faith in which we are acting, I ask to have certain communications, letters, telegrams, and newspaper articles read to the Senate, because they will demonstrate that in this matter we have the people of that country with us.

The PRESIDENT pro tempore. The Senator from Minnesota asks that certain communications, telegrams, and newspaper articles may be read.

Mr. NELSON. And that they be appended in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the papers referred to will be read.

Mr. NELSON. Mr. President, there is not much time left to enter into any extended argument this afternoon; but I desire to call attention to some pertinent facts in reference to the Territory of Oklahoma.

Oklahoma was originally a part of the Indian Territory. It was carved out of that Territory and established as a separate Territory in 1890. By the very act establishing the Territory the right was reserved to annex it to any other Territory or to any State. I want to quote the part of the law bearing on this subject. I read from page 209 of a compilation of the organic acts of the several Territories.

Congress may at any time hereafter change the boundaries of said Territory or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory hereby created.

This, Mr. President, as you will see, leaves it optional with Congress, without consulting the inhabitants of that Territory, to annex it to any other Territory or to any State. So there are

no legal or constitutional restrictions to the plan proposed in the substitute bill reported by the committee.

While Oklahoma has an ample number of people for representation in the other House of Congress, about equal to the ratio for two Representatives, yet there are other questions in connection with that Territory which make it plain that it ought not to be admitted as a separate State, but should be admitted in connection with the Indian Territory. While it has ample population for statehood, yet, on account of its limited area, its ragged, irregular, and unnatural boundaries, it should not be admitted separately.

I desire to point out on this map [indicating] its situation and boundaries. This map of Oklahoma and the Indian Territory shows the ragged and broken lines of Oklahoma on the east side, and also shows that combining Oklahoma and the Indian Territory into one State will make a magnificent State, nearly equal in area and dimensions to the States north—to the States of Kansas, Nebraska, North and South Dakota. It will be a little less in area than North Dakota, and it will be, if I remember aright, some 9,000 square miles less in area than the State of Kansas. Of those four States immediately north of it and in the same range, Kansas is the largest, Nebraska is the next largest, South Dakota next, and North Dakota next. Oklahoma and the Indian Territory united in one State would be next in area.

On account of the broken boundaries of the Territory of Oklahoma, to which I have called the attention of the Senate; on account of the limited area of the Territory; especially on account of the commercial, agricultural, and trade conditions, and also on account of the character of its soil and climate, it ought, for the good of the people who have settled in that Territory, for all future time to be united with the Indian Territory. The population of the two would, on the basis of the census of 1900, entitle this proposed State to four members in the House of Representatives. In area the two would be a fair average State. Separately each would have an area considerably less than any other State west or south of the original thirteen States.

In this connection I beg leave to quote from a table which I have in my hand:

The Indian Territory has an area of 31,400 square miles and Oklahoma 39,030 square miles. The two Territories have an aggregate of 70,430 square miles. The average area of the 45 States of the Union is 61,100 square miles. That would make Oklahoma and Indian Territory combined about 9,000 square miles more than the average. The average area of the 19 States west of the Mississippi River is 96,691 square miles. The smallest State today west of the Mississippi River is the State of Louisiana, with 48,720 square miles.

The areas of the States and Territories west of the Mississippi River are as follows:

	Square miles.	Acres.
Minnesota	83,365	50,691,200
Arkansas	53,850	33,948,800
Missouri	69,415	43,390,400
Iowa	56,025	35,504,000
Louisiana	48,720	29,038,800
North Dakota	70,795	44,924,800
South Dakota	77,650	49,184,000
Nebraska	77,510	49,177,600
Kansas	82,080	52,288,000
Texas	265,780	167,865,600

I do not claim that in the case of Texas the rule as to area ought to govern, because Texas came into the Union under peculiar conditions, having been a republic of its own making prior to its admission; but take the other States, the mountain and the Pacific coast States, and their areas are as follows:

	Square miles.	Acres.
Colorado	103,925	66,332,800
Utah	84,970	52,601,600
Idaho	84,800	53,945,600
Montana	146,080	92,938,400
Washington	69,180	42,803,200
Oregon	96,030	60,518,400
California	155,360	99,827,200
Wyoming	97,860	62,448,000
Nevada	110,700	70,233,600
Number States 19, total	1,837,125	-----
Average, area	96,691	-----
Area Oklahoma	39,030	24,851,200
Area Indian Territory	31,400	19,840,000
Total	70,430	-----

It will be perceived from this list, as I have already stated, that there will be three States that will be of about the same size as the combined State if these two Territories be admitted as one State—Missouri, with 69,415 square miles; North Dakota, with

70,795 square miles, and Washington, with 69,180 square miles. These two Territories combined as one State would have an area almost exactly equal to each of these States; and, as I said, the four States from south to north immediately north of Oklahoma and the Indian Territory have the following relative areas:

Kansas, the first State, 82,080 square miles; Nebraska, immediately north of that, 77,510 square miles; South Dakota, immediately north of that, 77,650 square miles, and North Dakota, 70,795 square miles.

So that in the matter of area we are doing no injustice by combining these two Territories, but we are putting them on a par with the sister States in the same range and within the same degrees of longitude and having, practically, in many respects, the same kind of climate, especially in the matter of rainfall and aridity.

Now, when we take the States east of the Mississippi River and west of the thirteen original States, we see that even in the case of those older States they are much larger in area than either Oklahoma or the Indian Territory separately. The area of Florida is 58,680 square miles; Alabama, 52,250 square miles; Mississippi, 46,810 square miles; Tennessee, 42,050 square miles; Kentucky, 40,400 square miles; Ohio, 41,060 square miles; Indiana, 36,350 square miles; Illinois, 56,650 square miles; Michigan, 58,915 square miles, and Wisconsin, 56,040 square miles.

The average of the States, west of the Mississippi River, is 48,920 square miles, and the very smallest of them is Indiana, with 36,350 square miles. So when we glance at these figures of the area of the respective States, it must be evident to everybody who gives any thought to the subject that in the matter of area this proposed State, composed of the Territory of Oklahoma and the Indian Territory, would compare favorably with their older sister States, and it would be putting them on a parity and a footing of equality.

With the exception of the little strip immediately north of what we call the "Panhandle" of Texas—with the exception of that strip, which they used to call the "Public Land" strip—the State formed by the junction of these two Territories would make a regular parallelogram bounded on the north by the State of Kansas, on the east by the State of Arkansas and a part of Missouri, on the west by the State of Texas, and on the South by the State of Texas, or, rather, by the Arkansas River. That would give the proposed State clear, well-defined, homogeneous boundaries, and would avoid the broken and ragged boundaries that you now find between the Indian Territory and Oklahoma.

Mr. BEVERIDGE. Mr. President, I want to observe to the Senator from Minnesota, if it be agreeable to him, that if he has reached the point in his remarks where he is going to use the map, it would be well, the hour of 4 o'clock having arrived, when another order comes up, for him to suspend until Monday, when more Senators will be present to see the map demonstration.

Mr. NELSON. That would be agreeable to me.

Mr. BEVERIDGE. The hour of 4 o'clock is here, and I understand there is an order of the Senate to take up the Calendar.

Mr. NELSON. Under the unanimous-consent agreement that was made this afternoon, I suppose I am not entitled to the floor longer than 4 o'clock.

Mr. BEVERIDGE. And besides, I think more Senators than are present ought to see the Senator's demonstration of the boundary lines as given by the map.

The PRESIDENT pro tempore. The order agreed upon by unanimous consent was that at this hour the Calendar of unobjectioned cases should be taken up for consideration. The Secretary will state the first case on the Calendar.

LABELING OF WINE.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as first in order on the Calendar.

Mr. McCUMBER. I ask that that bill be passed over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

ADULTERATION OF FOOD.

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

READJUSTMENT OF ACCOUNTS OF ARMY OFFICERS.

The bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill was heretofore passed by the Senate, and a motion was entered to reconsider the vote by which the bill was passed.

Mr. WARREN. I have authority from the Senator from Rhode Island [Mr. ALDRICH] to withdraw his notice of the motion to reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The motion to reconsider is withdrawn.

CIVIL APPOINTMENTS OF EX ARMY AND NAVY OFFICERS.

The bill (S. 3310) to amend section 1754 of the Revised Statutes of the United States relating to the preference in civil appointments of ex Army and Navy officers was announced as next in order.

Mr. KEAN. Mr. President, I think the Senator from Massachusetts [Mr. LODGE] is somewhat interested in that bill, and I therefore ask that it may go over. I have no objection to it personally.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

The bill (S. 362) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, was announced as next in order.

Mr. WARREN. That bill will lead to much discussion, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

CLAYTON G. LANDIS.

The bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased, was announced as next in order.

Mr. WARREN. I notice that the Senator who has that bill in charge is not in the Chamber, and I therefore ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. MARTIN subsequently said: Mr. President, a few moments ago Senate bill 4782 was passed over. I should like to have that bill taken up now. The Senator from Pennsylvania [Mr. PENROSE] is more especially interested in it than I am, but I do not see any reason why it should not be taken up. It simply refers a case to the Court of Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased, late of Lancaster, Pa., for internal-revenue tax paid to the United States by the decedent as surety on the bond of Jacob F. Schaeffer, distiller, with full jurisdiction to try, adjudicate, and determine the claim, and to render judgment in claimant's favor for such amount as may be found just and due by the court, without regard to the statute of limitations. The right of appeal to the Supreme Court is expressly reserved to the Government and to the claimant.

Mr. ALLISON. I ask that the report in that case may be read. The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MARTIN April 29, 1902, as follows:

The Committee on Claims, to whom was referred the bill (S. 4782) for the relief of Clayton G. Landis, administrator of the estate of David B. Landis, deceased, beg leave to submit the following report:

This claim is made on behalf of the estate of the late David B. Landis, deceased, who, in his lifetime, was a prominent citizen of Lancaster, Pa., and was the president of the Conestoga National Bank, one of the leading financial interests of Lancaster at the time of his death. During his lifetime he became bondsman for Jacob F. Schaeffer, who was a distiller in the city of Lancaster. Mr. Schaeffer's bonded warehouse was destroyed by fire in October, 1893, while he was attending the Columbian Exposition, in Chicago. The fire destroyed more than 40,000 gallons of whisky on which the Government tax had not been paid. This whisky was insured for its actual value only, not including the Government tax. The owner had taken out policies of insurance, which were in force at the time of the fire, and the companies which issued these policies charged incendiarism and resisted the payment of the insurance. The companies were sued and the cases were tried in court.

When the evidence of the complainant was concluded, the companies practically gave up their line of defense and settled for nearly the full amount demanded by the plaintiff. There was no dispute or contest as to the quantity of spirits in the warehouse and destroyed by the fire. The whisky had been taxed by the Government to the amount of \$43,016.40 when it was manufactured. The books of the Treasury officials showed this fact unmistakably. Pending the determination of the insurance cases the collection of the tax was suspended by the Government.

Mr. Schaeffer received the insurance money by virtue of the settlement above referred to, and proceeded to rebuild the distillery property and manufacture another large stock of whisky. Then, after a delay of nearly three years, the Government renewed its demand for the payment of the tax on the spirits that had been destroyed by fire. Mr. Schaeffer asked the Government to abate the tax, but it refused to do so and proceeded to enforce collection. Mr. Schaeffer was not able to pay the loss and did not have sufficient property to make it good, and therefore his bondsman, David B. Landis, was called upon to pay the taxes and thus prevent the utter sacrifice of Mr. Schaeffer's property.

On the 25th day of February, 1897, David B. Landis, as surety to the Gov-

ernment for Jacob F. Schaeffer, paid to R. E. Shearer, then collector of internal revenue for the ninth district of Pennsylvania, the sum of \$45,167.22, taxes assessed on distilled spirits that had been destroyed by the fire, that amount being made up of \$43,016.40 taxes and \$2,150.82 for a 5 per cent penalty added to the taxes. This payment was made by Mr. Landis out of his own funds. He made repeated applications to the Government to have the case reopened and the moneys so paid by him refunded, but he was denied all relief. He was assassinated on the 7th day of April, 1898, and letters of administration were issued to his son, Clayton G. Landis, who is now prosecuting this claim in that behalf. The summary demand for this large amount of money by and the payment of it to the Government impoverished the decedent, and his estate now seeks an opportunity to have the claim which he had urged upon the Government heard and decided by an impartial tribunal.

Your committee recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM G. HOYT.

The bill (S. 2869) for the relief of Abram G. Hoyt was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over without prejudice.

CURRY COUNTY, OREG.

The bill (S. 3280) for the relief of Curry County, State of Oregon, was announced as next in order.

Mr. McCUMBER. The Senator having that bill in charge not being present, I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

COL. H. B. FREEMAN.

The bill (S. 4832) for the relief of Col. H. B. Freeman was announced as next in order.

Mr. CLAPP. I ask that that bill may be considered and passed at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Col. H. B. Freeman, Twenty-fourth United States Infantry, from the obligation to refund \$1,761.60, paid to him under a decision of the Acting Secretary of War as commutation of quarters while on duty as acting Indian agent, Osage Agency, Pawhuska, Okla., from the 10th of December, 1896, which decision was overruled by the Comptroller of the Treasury, notwithstanding that the monthly claims which were based upon it had been approved by the auditing officers and paid, month by month, for upward of three years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CENTRAL ARIZONA RAILWAY COMPANY.

The bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

Mr. KEAN. I ask that that bill may be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

MAJ. CORNELIUS GARDENER.

The resolution introduced by Mr. PATTERSON on April 30, 1902, relative to the calling of Maj. Cornelius Gardener as a witness as to conditions in the Philippine Islands, was announced as next in order on the Calendar.

Mr. ALLISON. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over without prejudice.

CLAIMS FOR INDIAN DEPREDACTIONS.

The bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, was announced as next in order.

Mr. WARREN. I ask that that bill may be passed over, as there are amendments to it that will probably lead to debate.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

LAKE TAHOE, CALIFORNIA AND NEVADA.

The bill (S. 1969) to conserve the flood waters of Lake Tahoe, in the States of California and Nevada, and to regulate the overflow thereof, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

COLVILLE INDIAN RESERVATION, WASH.

The bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

Mr. PLATT of Connecticut. Let that bill go over, Mr. President. I understand the Supreme Court on last Monday handed

down a decision which might affect the bill, and I should like an opportunity to look at that decision.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The bill (S. 5299) to amend sections 897 and 903 of subchapter 7 of chapter 19 of an act entitled "An act to establish a code of law for the District of Columbia," was announced as next in order.

Mr. McCUMBER. In the absence of the Senator from Vermont [Mr. DILLINGHAM], I ask that that bill may be passed over. The PRESIDENT pro tempore. The bill will be passed over without prejudice.

UNIVERSITY OF MONTANA.

The bill (S. 3953) granting additional lands adjacent to its site to the University of Montana was announced as the next business in order on the Calendar.

Mr. McCUMBER. Let the bill go over.

The PRESIDENT pro tempore. It will go over without prejudice.

Mr. BERRY. Unless the Senator from North Dakota has some particular reason for asking that the bill go over, I should like to have it considered. It is a bill in which the Senator from Montana [Mr. GIBSON], who is not in his seat, is very much interested.

Mr. McCUMBER. I asked that it might go over because I did not see the Senator from Montana in his seat.

Mr. BERRY. He is very much interested in the bill. The Committee on Public Lands has reported it, and I think it ought to be passed.

Mr. McCUMBER. My objection was made upon the basis that he was not present.

Mr. PLATT of Connecticut. If the Senator from Arkansas understands the nature and the features of the bill, I think we might take it up.

Mr. BERRY. There is a report explaining it which is very short. The Senator from Montana is very much interested in the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 4, before the word "University," to insert "State of Montana for the use of the," and in line 9, after the word "twenty-six," to strike out "the east half of the southeast quarter of section twenty-seven;" so as to make the bill read:

Be it enacted, etc., That there is hereby granted to the State of Montana for the use of the University of Montana the following described land lying within Missoula County, Mont., and adjacent to the site of said university in said State, namely: The south half of section 28; the south half of the northeast quarter and the south half of the northwest quarter of section 26, all situated in township 13 north and range 19 west, the same to be used for a site for an observatory for said university.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting additional lands adjacent to the site of the University of Montana to the State of Montana for the use of the said university."

MAJ. WILLIAM KENDALL.

The bill (S. 2924) for the relief of the legal representatives of Maj. William Kendall was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any explanation of the bill? I should like to hear some explanation of it or to have the report read.

Mr. CLAPP. What does the Senator remark?

Mr. COCKRELL. I should like to have some explanation why the Government is to pay for rations furnished by a sutler to soldiers.

Mr. CLAPP. I can not explain that, for this reason—

Mr. COCKRELL. Let the bill go over for the time being, retaining its place.

Mr. CLAPP. It was reported at the spring session—

Mr. KEAN. There is a report.

Mr. CLAPP. I have not the report at hand. Let the bill go over.

Mr. COCKRELL. Retaining its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

RECORDING AND JUDICIAL DIVISIONS OF ALASKA.

The bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions was announced as the next business in order on the Calendar.

Mr. McCUMBER. Unless some member of the Committee on the Judiciary desires to have the bill considered at the present time, I suggest that it go over.

Mr. HOAR. My impression is, although I will not be absolutely sure, that the bill came from the Department of Justice and has been very carefully considered. It was taken by the committee largely on the strength of the recommendation of the Department of Justice.

Mr. PLATT of Connecticut. There is a written report.

Mr. HOAR. There is a written report. Perhaps the Senator from North Dakota will hear it.

Mr. McCUMBER. This may be a long bill and therefore take considerable time.

Mr. HOAR. It will not take very long. I do not wish, of course, to press a bill about which any member of the Senate has serious hesitation. It is a matter which was committed to the Senator from Oregon [Mr. SIMON] for final consideration, and if I am not mistaken the bill was prepared at the Department of Justice and taken by the committee largely on the authority of the Department.

Mr. WARREN. I ask that it may be passed for the present.

Mr. HOAR. Very well; let it be passed for the present.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HOAR subsequently said: I ask the Senate to return to Senate bill 4068, to redivide the district of Alaska into three recording and judicial divisions, so that the bill and report, which contains one page, may be read.

May I state beforehand that the condition of things is exceedingly inconvenient there now? There are parts of the judicial district with which the marshal and the judge who dwell in it can not have any communication from November to June; namely, the Aleutian Islands. So there is an absolute failure during this period on the part of the people as it is now to get a United States judge or to get any authority exercised by the United States marshal.

This bill was prepared at the Department of Justice on very full consideration and consultation with the judges and governor. It was reported from the committee at the last session. Of course I do not want to press anything upon which there is a serious doubt, but I do think the Alaska people do not get as prompt legislation always as could be desired. If this bill is to be passed, it ought to be amended by making it take effect next July instead of last July.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. I move to strike out, in line 16, page 2, the word "two" and insert "three;" so as to make it read "nineteen hundred and three."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I ask that the report be printed in the RECORD.

The report submitted by Mr. SIMON May 23, 1902, is as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions, report the same back to the Senate and recommend its passage.

The purpose of this bill, as implied by its title, is to redivide the district of Alaska into three recording and judicial divisions. Under section 13 of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, the judges for the district of Alaska met and by an order divided the district of Alaska into three recording divisions, such recording divisions corresponding in boundaries with the three judicial divisions of the district. Since such division was made, by reason of increase in population and business in the Territory and the shifting of such population and business, it is found necessary to readjust the same and therefore redivide the district of Alaska for judicial and recording purposes. Such redivision is primarily made necessary by the fact that there is but little business to be done in the present third division, while there is a large amount of business to be done in the second division. The amount of business to be done in the first division is larger than that to be done in the third division.

The redivision provided for in this bill is also made necessary because during the period from November to June the marshal and the judge at St. Michael or Nome can have no communication with the Aleutian Islands, a part of which are now embraced in the second division.

The bill (S. 4068) was prepared under the direction of the Department of Justice and has its approval. The bill also was prepared after consultation with the several judges of the district courts in Alaska, and, as your committee is advised, the redivision of the district as made by the bill meets with the approval of such judges.

In view of these facts your committee recommend to the Senate the passage of the bill.

ASSAY OFFICE AT TACOMA, WASH.

The bill (S. 5928) to establish an assay office at Tacoma, Wash., was announced as the next business in order on the Calendar.

Mr. FOSTER of Washington. I ask that the bill may go over.

Mr. COCKRELL. Retaining its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

EASTERN BAND OF CHEROKEE INDIANS.

The bill (S. 5229) to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of

North Carolina was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. PLATT of Connecticut. My impression about the bill is that a compromise has already been agreed on. It comes from the Committee on Indian Affairs, and my recollection about it is that a compromise has already been agreed upon between the Department of Justice and the litigants, if I am not mistaken. I think the reading of the report will so show, if the Senator will permit the report to be read.

Mr. McCUMBER. I withdraw the objection.

The PRESIDENT pro tempore. The objection is withdrawn, and the bill will be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Eastern Band of Cherokee Indians, of North Carolina, the sum of \$4,000, for the purpose of compromising and settling an action at law and a suit in equity instituted by authority of an act of Congress in the circuit court for the western district of North Carolina, at Asheville, in said State, in the year 1872, and brought for an account and settlement and an adjustment of equities between said Eastern Band of Cherokee Indians, of North Carolina, and W. H. Thomas and William Johnston, and subsequently heard by Rufus Barringer, John H. Dillard, and Thomas Ruffin, as arbitrators, in the year 1874.

Mr. PLATT of Connecticut. Perhaps the Senator from North Dakota desires to have the report read. My recollection is perhaps not very accurate about the matter. Congress authorized the suit to be brought by the Attorney-General or by his direction, and it has been pending in the courts there until the present time. It has been pending for a long time, and, as I remember it, the Department of Justice has now recommended that the suit shall be compromised by the payment of this money.

Mr. QUARLES. That is right.

Mr. PLATT of Connecticut. As the matter came up in the Committee on Indian Affairs, my recollection is that we all thought that was a proper disposition to be made of the controversy.

Mr. COCKRELL. The Attorney-General and the Secretary of the Interior both recommend it.

Mr. PLATT of Connecticut. That is my recollection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT.

The bill (S. 4202) to regulate the sale of intoxicating liquors in the District of Columbia was announced as the next business in order on the Calendar.

Mr. BATE. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

RICHMOND P. HOBSON, UNITED STATES NAVY.

The bill (S. 3993) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, was considered as in Committee of the Whole.

Mr. COCKRELL. Is there a report in the case?

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT pro tempore. It will be passed over without prejudice.

Mr. MORGAN (to Mr. COCKRELL). I wish you would not do that.

Mr. COCKRELL. He ought to stay in the service.

Mr. MORGAN. He is not fit for service.

Mr. COCKRELL. Mr. President, this officer is in the Navy, and he has been examined in the regular methodical way and pronounced fit for duty, and now Congress proposes to pass upon it, and say he is not, and to place him on the retired list. It does not seem to me it is placing this officer in a proper position. If he is fit for duty and trying to get on the retired list, then he ought not to be put there. This seems to be an extraordinary case.

Mr. MORGAN. Mr. President, at the time of that examination Captain Hobson was fit for duty on that day. But since that time other examinations have been made by eminent surgeons, and they say to Captain Hobson, and he is perfectly aware of the fact, that he is going to be a blind man; that the postponement of the destruction of his visual organs is merely a question of time, and is only being hastened by putting him on active duty in the Navy. He can not perform this duty.

Mr. HOAR. Is this the famous officer of the *Merrimac*?

Mr. MORGAN. Yes. He can not perform the duties. I have known this man from his childhood. He is as conscientious in this application as a man possibly can be. He has suffered from this difficulty or trouble with his eyes from various causes, commencing no doubt with his work in Cuba, but more particularly

by the work to which he was assigned in the Philippines and on the coast of China. He is a very conscientious man and does not want the Government of the United States to support him merely because he has been gallant and renowned in his military action. I hope the Senator from Missouri will not press his objection.

This case has been up twice before, and the Senator from New Hampshire [Mr. GALLINGER], who is very deeply interested in the matter, called it up and insisted upon its being heard. I yielded the floor to him at the time in order that it might be done, and the suggestion was made that the Senator from Kentucky had some objection to it. I inquired of the Senator from Kentucky to-day and he said he had none in the world. The Senator from New Hampshire, before going away, left me a message to take care of this case and to see to it. He is very much interested in it. I can not explain the situation technically, as he could. He understands it perfectly well. Mr. Hobson is condemned to blindness, and nothing can save him from it if he lives ten or fifteen years.

Mr. COCKRELL. I want to say that I can not now withdraw my objection to the bill, and I will give my reasons.

We have an Army and a Navy. We have laws providing for the examination of their officers as to fitness physically for the performance of duty. These boards are assembled upon the application of the officer at any time. There are hundreds of those boards.

Now, here is a board of the Navy Department, assembled in just the same way. It is composed of eminent surgeons in the Navy. There is presumed to be no prejudice among them against the officers whom they examine. They have examined this man and say he is fit for duty.

Mr. MORGAN. When?

Mr. COCKRELL. At the time set forth in the papers.

Mr. MORGAN. He is not fit to-day.

Mr. COCKRELL. We are told that he is not now fit for duty, although he was then. Well, what is the remedy? That officer could, within ten days after the refusal to retire him, have applied again and had another examination. But is Congress to be made a court of appeals to hear the application of every officer who may be brought before a board and who may be refused retirement because the surgeons of the Army or the Navy say he is fit for duty, and are we then to sit here as a court of appeals and take the testimony of civilian physicians in this matter when, if the first report is wrong, another board can be summoned and a fair trial can be given?

I have no disposition to keep Commander Hobson in the Navy if he is not fit for duty—by no means—but it is a question as to how he shall be retired, whether Congress shall be made a court of appeals to hear all these matters upon the testimony of civilians, disregarding the certificate of the board of examining surgeons, and taking the position that although then fit for duty he has since become unfit for duty, and that is shown by a civilian board, when he has never been ordered before another official board, which could be done.

Mr. MORGAN. I do not intend to delay the Senate on an occasion like this. It is not just to the Senate.

Mr. BATE. This time is set apart for the consideration of unobjected cases.

Mr. MORGAN. I wish to ask, though, that the whole report be put in the RECORD. The Senator from Missouri has predicated his remarks upon only a partial statement of the case. The report itself shows sufficient reasons. Here is the recommendation of the President in his message to the Senate that this man be retired. Here also is the concurrence of the Secretary of the Navy and of the Chief of the Bureau of Construction requesting his retirement.

I can not do justice to Captain Hobson on this occasion, but I do not intend that his reputation shall be damaged by any sinister objections made against him at all. So the bill can go over, but I give notice that I will call it up from time to time and have a full discussion and a full examination of this man's case and his character.

Mr. COCKRELL. I want to say, Mr. President, out of order, as both of us have been talking, that his character is not involved in this matter at all.

Mr. MORGAN. It is bound to be.

Mr. COCKRELL. It is a question of physical condition. Nobody has impeached his character. It is simply a question of his physical condition, and the Senator from Alabama can not twist the argument on anything else than on his physical condition to perform the duties of his office.

Mr. MORGAN. The Senator from Alabama is not in the habit of twisting anything, he will inform the Senator from Missouri. He is as straight as a die. He is as straight as the Senator from Missouri. I am stating facts here, and I am defending a man who has been impeached either incidentally or directly. I have stated here that Captain Hobson knows perfectly well that he is

irreclaimably condemned to blindness. We are keeping him on service in the Bureau of Construction which he can not perform. It requires the nicest possible eyesight. The Department will not transfer him to the line. They would have to promote him over the heads of various officers to do so. Here he stands without duties except to get furloughs from time to time. It is all he can do. It is due to this very exceptional case—for there is not one like it in the United States, and there has never been one like it—that we should pass the bill. I think the Senate of the United States might take the liberty of exercising its judgment upon the recommendation of the President and the Secretary of the Navy and the Chief of the Bureau of Construction. When the Senator from New Hampshire [Mr. GALLINGER] is back in this Chamber he will state to the Senate reasons which he knows of as a physician, which induce him personally to take a very great interest in this matter. Let the bill be passed over.

I ask that the report may be published in the RECORD.

The report submitted by Mr. GALLINGER May 27, 1902, is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Department, as will appear by the message of the President herewith attached. Captain Hobson's statement is also appended, as well as the report of the board of medical survey which condemned his eyes.

[Senate Document No. 202, Fifty-seventh Congress, first session.]

To the Senate and House of Representatives:

In June, 1900, Naval Constructor Richmond P. Hobson, then on duty at the naval station, Cavite, P. I., was found to be suffering from "compound hypermetropic astigmatism, retinal hyperemia, and trachoma," and an operation was performed for the latter. On the 28th of June, 1900, he was admitted to the naval hospital, Yokohama, Japan, the hospital ticket stating: "Retinitis. There is good evidence it was in line of duty. While on duty at Hongkong during the past year he suffered from weakness of eyes, particularly after exposure to glare of sun or while subject to the irregularities of light on board the ships under repairs." On September 7, 1900, he was discharged from the naval hospital at Yokohama and ordered to the United States, and was subsequently granted six months' leave of absence on account of continued "irritation of retina."

In January, 1902, Naval Constructor Hobson appeared before a retiring board, the medical members of which, after an examination of his case, made the following certificate:

"At present there is apparently only a slight retinal irritation, but by the exercise of reasonable care it should not give great trouble."

"An ophthalmoscopic examination not made and deemed not essential."

"We believe, therefore, that Mr. Hobson is fit for active duty."

Upon this state of facts the retiring board decided "that Naval Constructor Richmond P. Hobson, U. S. N., is fit for active duty."

Without suggesting that any injustice has been done by this finding, and while in effect pronouncing it correct, Mr. Hobson states, in a letter addressed to the Secretary of the Navy, February 5, 1902, that "the duty required in the Construction Corps in connection with plans and blue prints, and in connection with inspection and supervision in the glare of shipyards and navy-yards, requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery;" that the condition of his eyes has improved since his return to the United States while on special duty not in the usual line of work of the Construction Corps; but that "under these favorable conditions the irritation and sensitiveness continue, and show that" he "should not undertake work that taxes the eyes * * * in the future." He accordingly asks special legislation authorizing his retirement as for disabilities incurred in the line of duty. This request is approved by the Chief Constructor and by the Secretary of the Navy.

In consideration of the foregoing, but especially of the gallant service rendered by Mr. Hobson in the sinking of the *Merrimac* in the harbor of Santiago during the recent war with Spain, I recommend the enactment of a suitable measure for his relief.

THEODORE ROOSEVELT.

WHITE HOUSE, February 17, 1902.

DEPARTMENT OF THE NAVY,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 5, 1902.

SIR: (1) Referring to my application of January 17 to be ordered before the retiring board on account of my eyes, and to the Department's letter of January 27 informing me of the report of that board, to the effect that I was fit for duty, I have the honor to state, while I can perform duty, and in that sense am fit for duty, yet the duty required in the Construction Corps in connection with plans and blue prints and in connection with inspection and supervision in the glare at shipyards and navy-yards requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery. Under these circumstances I believe I should not continue such work, and since it appears that relief can not come through the retiring board, I respectfully request the transmission to Congress of the application I hereby make for special legislative authority for such relief. Because of the unusual nature of this request, I beg to add the statement below.

(2) My service in the Navy has covered about seventeen years, and never counted a day on the sick list or even excused list until my eyes were condemned by a medical board assembled in Cavite in June, 1900, as a result of which I was invalided to the naval hospital at Yokohama and thence to the United States, and upon the recommendation of a specialist granted six months' leave on account of my eyes. When I entered the naval service my eyes were strong and sound. They stood the strain incident to general service and to Construction-Corps work until my service in Cuba, when they gave trouble in the glare incident to the wrecking duty, particularly that in raising the *Maria Teresa*, where the conditions were severe. Proceeding straight from this wrecking duty to duty in Hongkong, the trouble became aggravated during sixteen months of work under severe glare in inspecting and directing the reconstruction of the gunboats *Isla de Cuba*, *Isla de Luzon*, and *Don Juan de Austria*.

The trouble became acute, under the effect of glare, and a physician was consulted, who prescribed dark glasses and a lotion, but without effectual relief, and the trouble became further aggravated in the duty at the Cavite Navy-Yard, and a specialist at Manila, who operated for granulation of the

lids, reported a serious condition of congestion of the retina, that led to my being invalided home. Since my return to the United States the condition has improved with special duty not in the usual line of the Construction Corps. But under these favorable conditions the irritation and sensitiveness continue and show that I should not undertake work that taxes the eyes for my regular work in the future.

(3) Thus my service in the Navy has been particularly severe on my eyes and has injured them and put them at a disadvantage for continuing the work of my corps. I do not think I should be required, before getting relief, to continue such work until they become so much injured as to render them unfit for use.

(4) I respectfully call attention to the fact that this voluntary application might be met by existing law were I in the line of the Navy, under which law officers of the line have been retired upon voluntary application since July 1, 1900, the officer in each case retiring with the rank next higher than the one held at the time of application.

(5) In seeking thus to be relieved from active duty I beg to add that I am completely devoted to the Navy, and in any course of work that I might undertake in the future I should endeavor at all times to serve the Navy and the country; my single purpose, earnest and steadfast, being to render a maximum of useful service during my lifetime.

Very respectfully,

R. P. HOBSON,

Naval Constructor, United States Navy.

The SECRETARY OF THE NAVY.

NAVY DEPARTMENT, Washington, May 8, 1902.

SIR: Complying with the request made in your letter of the 6th instant, I have the honor to send you herewith two copies of a report dated Cavite, P. I., June 4, 1900, of a board of medical survey in the case of Naval Constructor Richmond P. Hobson, United States Navy.

Very respectfully,

WILLIAM H. MOODY,

Secretary.

Hon. EUGENE HALE,

Chairman Committee on Naval Affairs, United States Senate.

UNITED STATES NAVAL STATION,

Cavite, P. I., June 4, 1900.

SIR: In obedience to your order of June 2, 1900, we have held a careful survey on Hobson, Richmond Pearson, naval constructor, and beg leave to report as follows:

1. Present condition, unfit for duty.

2. Disease or injury, retinitis.

3. Probable future duration, indefinite.

4. Recommendation, that he be transferred to the United States naval hospital at Yokohama, Japan, for treatment and further disposition.

5. Origin, in the line of duty; incident to duty in the Tropics.

Very respectfully,

F. J. B. CORDEIRO,

Surgeon, United States Navy.

OLIVER D. NORTON,

Surgeon, United States Navy.

GEO. PICKRELL,

Surgeon, United States Navy.

To COMMANDER IN CHIEF UNITED STATES

NAVAL FORCE ON ASIATIC STATION.

The PRESIDENT pro tempore. The bill will be passed over.

HERBERT O. DUNN.

The bill (S. 1866) for the relief of Herbert O. Dunn was considered as in Committee of the Whole.

Mr. KEAN and Mr. PLATT of Connecticut. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

UINTAH RESERVATION.

The bill (S. 5657) to prevent discrimination in grazing permits on the Uintah Reservation was announced as the next business in order on the Calendar.

Mr. CLARK of Wyoming. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

PUBLIC LAND ACCOUNTS.

The bill (S. 1473) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, was announced as the next business in order on the Calendar.

Mr. McCUMBER. Let the bill go over. It is quite lengthy.

The PRESIDENT pro tempore. The bill will go over without prejudice.

PAYMASTER JAMES E. TOLFREE, UNITED STATES NAVY.

The bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the Whole. It proposes to pay to James E. Tolfree, paymaster, United States Navy, \$4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PLATT of Connecticut. I am not going to object to the passage of the bill, but I do not believe the Government is legally liable for the payment of claims such as this bill represents. I know that it is the practice to do it. I simply wanted to state what my opinion was.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES BLAKE, UNITED STATES NAVY.

The bill (S. 5725) for the relief of Pay Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Charles Blake, pay clerk, United States Navy, \$700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF FOREST RESERVES.

The bill (S. 3374) to protect forest reserves, and for other purposes, was announced as the next business in order on the Calendar.

Mr. BERRY. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over without prejudice.

AMERICAN ACADEMY IN ROME.

The bill (S. 4980) to incorporate the American Academy in Rome, was considered as in Committee of the Whole.

The Secretary read the bill, which had been reported from the Committee on the Library with amendments.

The first amendment was in section 1, page 1, line 4, after the name "Angell" to insert "Arthur T. Barney;" in line 7, after the name "Chandler," to insert "William A. Clark;" in line 9, before the name "Draper," to strike out "A" and insert "F;" in line 11, after the name "Gage," to insert "Richard Watson Gilder;" in line 12, after the name "Gilman," insert "Arthur T. Hadley;" in line 3, page 2, after the name "La Farge," insert "Charles Lanier;" in the same line, before the name "McMillan," strike out "James" and insert "William C.;" in line 9, after the name "Rhinelander," insert "Elihu Root," and in line 16, after the word "politic," insert "in the District of Columbia;" so as to make the section read:

That Edwin A. Abbey, Samuel A. B. Abbott, Charles Francis Adams, James W. Alexander, James B. Angell, Arthur T. Barney, Edward J. Berwind, Edwin H. Blashfield, William A. Boring, Daniel H. Burnham, Nicholas Murray Butler, John L. Cadwalader, Frank W. Chandler, William A. Clark, Thomas Jefferson Coolidge, Frank Miles Day, William E. Dodge, William F. Draper, Charles W. Eliot, Theodore N. Ely, Marshall Field, Charles L. Freer, Daniel Chester French, Henry C. Frick, Lyman J. Gage, Richard Watson Gilder, Daniel Coit Gilman, Arthur T. Hadley, Charles C. Harrison, John Hay, Thomas Hastings, William H. Herriman, Abram S. Hewitt, Henry L. Higginson, Charles L. Hutchinson, William M. Kendall, John La Farge, Charles Lanier, Austin W. Lord, Charles F. McKim, William C. McMillan, Frederic MacMonnies, William Rutherford Mead, George Von L. Meyer, Charles Moore, J. Pierpont Morgan, H. Siddons Mowbray, Frederick Law Olmsted, jr., Francis L. Patton, Robert Swain Peabody, George B. Post, Henry S. Pritchett, Herbert Putnam, Frederick W. Rhinelander, Elihu Root, F. Augustus Schermerhorn, J. G. Schurman, Carl Schurz, James Stillman, Waldo Story, Augustus St. Gaudens, James Knox Taylor, Henry Walters, John Q. A. Ward, George Peabody Wetmore, Henry White, Stanford White, William C. Whitney, Egerton Winthrop, their associates and successors, are hereby created a body corporate and politic in the District of Columbia by the name of the American Academy in Rome, for the purpose of establishing and maintaining an institution to promote the study and practice of the fine arts and to aid and stimulate the education and training of architects, painters, sculptors, and other artists, by enabling such citizens of the United States as shall be selected by competition from among those who have passed with honor through leading technical schools or have been equally well qualified by private instruction or study to develop their powers and complete their training under the most favorable conditions of direction and surroundings.

The amendment was agreed to.

Mr. SPOONER. I heard only part of the bill read. What is the home of the corporation?

Mr. MORGAN. Rome.

Mr. PLATT of Connecticut. Washington.

Mr. COCKRELL. The home of the corporation is in Washington City.

Mr. PLATT of Connecticut. But there is a provision in it which authorizes the company to own real estate in Rome.

Mr. COCKRELL. In Italy.

Mr. SPOONER. It is a District of Columbia corporation?

Mr. WETMORE. Yes.

Mr. SPOONER. Let the bill go over. I object to its further consideration.

The PRESIDENT pro tempore. The bill goes over.

BRIG OLIVE FRANCES.

The bill (S. 3034) for the relief of the owners and officers of the brig *Olive Frances* and others on board said brig was announced as next in order.

The Secretary read the bill.

Mr. PLATT of Connecticut. Let the report be read, or some portion of it.

The PRESIDENT pro tempore. The report will be read.

Mr. WARREN. It is quite a long report and, as the Senator who reported the bill is absent, I ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill goes over without prejudice.

SEALER OF WEIGHTS AND MEASURES.

The bill (S. 3900) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, was announced as next in order.

Mr. COCKRELL. Let that bill be passed over.

The PRESIDENT pro tempore. The bill goes over without prejudice.

APPOINTMENT OF ENLISTED MEN OF THE NAVY.

The bill (S. 6059) for the relief of certain enlisted men of the Navy was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the appointment of an enlisted man or apprentice as a commissioned officer or pay clerk shall not be regarded as a discharge from his enlistment; and any enlisted man or apprentice who has been, or may be, so appointed may, upon the honorable termination of his service under such appointment, be permitted to serve out his enlistment, and upon honorable discharge therefrom shall be entitled to the benefits of continuous service under the conditions prescribed in section 16 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SHAMOKIN, PA.

The bill (S. 5694) to provide for the purchase of a site and the erection of a public building thereon at Shamokin, in the State of Pennsylvania, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Shamokin and State of Pennsylvania, the cost of the site and building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed \$100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. C. BOUCHER.

The bill (S. 2991) for the relief of F. C. Boucher was announced as next in order.

The PRESIDENT pro tempore. The bill has been before the Senate at a former date, and the amendment reported by the Committee on Indian Affairs was agreed to.

Mr. SPOONER. Is there a report upon the bill?

Mr. KEAN. There is.

The PRESIDENT pro tempore. There is a report.

Mr. SPOONER. I think I objected to the bill on a former occasion. I object to it again.

The PRESIDENT pro tempore. The bill goes over, without prejudice.

ACCEPTANCE OF DECORATIONS, ETC.

The following were the bills next in order on the Calendar:

A bill (S. 6134) to authorize Col. Theodore A. Bingham, United States Army, to accept a decoration conferred upon him by the Government of the French Republic;

A bill (S. 6135) to authorize Capt. R. P. Rodgers, United States Navy, to accept a decoration conferred upon him by the Government of the French Republic;

A bill (S. 6136) to authorize Mr. H. H. D. Peirce, Third Assistant Secretary of State, to accept a decoration conferred upon him by the Government of the French Republic; and

A bill (S. 6137) to authorize Arthur M. Beaupre, formerly secretary of legation and consul-general of the United States to Guatemala, to accept a silver inkstand presented to him by the English Government.

Mr. CULLOM. I move that these bills be recommitted to the Committee on Foreign Relations, and also the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others.

Mr. HOAR. The bills have been reported from the Committee on Foreign Relations?

Mr. CULLOM. They have been reported from the committee, and I desire to have them referred back to it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bills referred to are recommitted to the Committee on Foreign Relations.

RAINY RIVER BRIDGE.

Mr. CULLOM. I desire now to move that the Senate proceed to the consideration of executive business.

Mr. CLAPP. Before that is done there is a bridge bill on the Calendar which I should like to have considered. It is necessary on account of the passing season that the bill shall be acted on,

so that they may get to work. I should like to have unanimous consent for its immediate consideration.

Mr. CULLOM. Is it a long bill?

Mr. CLAPP. No, sir; it is not a long bill. It is Senate bill No. 6446, reported by the Committee on Commerce.

Mr. CULLOM. I yield for the purpose of allowing the bill to be taken up, if it does not take too long a time.

The Secretary read the bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 1, after the word "War," to insert "and until approved by him the bridge shall not be commenced or built;" so as to make the section read:

That the International Bridge and Terminal Company, a corporation duly organized under the laws of the State of Minnesota, its successors and assigns, be, and the same hereby is, authorized and empowered to construct and maintain a bridge over the Rainy River at the head of the falls in the river, in section 27, in township 71 north, of range 24 west, of the fourth principal meridian, in the county of Itasca and State of Minnesota: *Provided*, That the plan, location, and elevation of the bridge shall be subject to the approval of the Secretary of War, and until approved by him the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 11, after the words "United States," to insert the following proviso:

Provided, That all railroad companies desiring the use of said bridge shall be entitled to equal rights and privileges in the passage of railroad trains over the same, and the approaches thereto, upon the payment of a reasonable compensation therefor, and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. CULLOM. I yield to the Senator from North Dakota to make a request.

Mr. McCUMBER. Mr. President, I asked that this hour might be given to the consideration of the Calendar, with the hope and expectation that we would reach the pension bills. Being disappointed in that, I ask unanimous consent that on Monday, at 4 o'clock, we take one hour for the consideration of unobjected pension bills on the Calendar. I understand this is satisfactory to those having other bills in charge.

Mr. BEVERIDGE. It is, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that on Monday, at 4 o'clock, the unobjected pension cases may receive the consideration of the Senate for one hour. Is there objection? The Chair hears none, and that order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed a concurrent resolution requesting the President to return to the Senate Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901; in which it requested the concurrence of the Senate.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, January 12, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1903.

PAY DIRECTOR IN THE NAVY.

Pay Inspector Lawrence G. Boggs, to be a pay director in the Navy from the 28th day of September, 1902, vice Pay Director Edwin Putnam, retired.

APPOINTMENTS IN THE NAVY.

Julius A. Furer, a citizen of Wisconsin, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

William B. Fogarty, a citizen of Ohio, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

Sidney M. Henry, a citizen of New York, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

Lewis B. McBride, a citizen of Pennsylvania, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ALABAMA.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama, in place of Charles Hays, jr. Incumbent's commission expired December 20, 1902.

CALIFORNIA.

George C. Folger, to be postmaster at Jackson, in the county of Amador and State of California, in place of George C. Folger. Incumbent's commission expires January 24, 1903.

Eli H. Wells, to be postmaster at Willits, in the county of Mendocino and State of California. Office became Presidential January 1, 1903.

CONNECTICUT.

Walter B. Cheney, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut, in place of Walter B. Cheney. Incumbent's commission expired December 20, 1902.

ILLINOIS.

Joseph H. Coffman, to be postmaster at Augusta, in the county of Hancock and State of Illinois, in place of William A. Steinbarger. Incumbent's commission expired February 18, 1902.

Abraham L. Coyle, to be postmaster at Gridley, in the county of McLean and State of Illinois. Office became Presidential January 1, 1903.

C. B. Crawford, to be postmaster at Genoa, in the county of Dekalb and State of Illinois, in place of George W. Buck, removed.

William I. Larash, to be postmaster at Rushville, in the county of Schuyler and State of Illinois, in place of John A. Harvey. Incumbent's commission expired December 21, 1902.

Silas D. Patton, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in place of Silas D. Patton. Incumbent's commission expired July 1, 1902.

Henry M. Peeples, to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois, in place of Henry M. Peeples. Incumbent's commission expired December 21, 1902.

INDIANA.

Alexander Abernathy, to be postmaster at National Military Home, in the county of Grant and State of Indiana, in place of Alva T. Hart, resigned.

William H. Burris, to be postmaster at Milford, in the county of Kosciusko and State of Indiana, in place of William H. Burris. Incumbent's commission expires January 27, 1903.

Albert D. Peck, to be postmaster at Morocco, in the county of Newton and State of Indiana. Office became Presidential January 1, 1903.

IOWA.

Andrew H. Bjorgo, to be postmaster at Kensett, in the county of Worth and State of Iowa. Office became Presidential January 1, 1903.

Gilbert Cooley, to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa, in place of Gilbert Cooley. Incumbent's commission expires January 27, 1903.

Hiram Lamb, to be postmaster at Murray, in the county of Clarke and State of Iowa, in place of John F. Lyons, resigned.

John Meyer, to be postmaster at Alton, in the county of Sioux and State of Iowa, in place of Gerrit Vanden Burg. Incumbent's commission expired December 21, 1902.

Charles S. Terwilliger, to be postmaster at Garner, in the county of Hancock and State of Iowa, in place of Charles S. Terwilliger. Incumbent's commission expires January 17, 1903.

KENTUCKY.

Frank H. Bristow, to be postmaster at Elkton, in the county of Todd and State of Kentucky, in place of Frank H. Bristow. Incumbent's commission expires January 23, 1903.

MARYLAND.

Ezra R. Zimmerman, to be postmaster at Emmitsburg, in the county of Frederick and State of Maryland, in place of John A. Horner. Incumbent's commission expired January 14, 1903.

MINNESOTA.

Isaac I. Borgen, to be postmaster at Mountain Lake, in the county of Cottonwood and State of Minnesota. Office became Presidential January 1, 1903.

William J. Cowling, to be postmaster at Ely, in the county of

St. Louis and State of Minnesota, in place of Patrick R. Vail. Incumbent's commission expired January 7, 1903.

Brown Duckstad, to be postmaster at Fertile, in the county of Polk and State of Minnesota. Office became Presidential January 1, 1903.

George W. Rowell, to be postmaster at North Branch, in the county of Chisago and State of Minnesota. Office became Presidential January 1, 1903.

MISSOURI.

Charles R. Landrum, to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri, in place of Charles R. Landrum. Incumbent's commission expires January 23, 1903.

John K. Martin, to be postmaster at Rich Hill, in the county of Bates and State of Missouri, in place of John K. Martin. Incumbent's commission expires January 24, 1903.

NEBRASKA.

A. A. Hyers, to be postmaster at Havelock, in the county of Lancaster and State of Nebraska, in place of George S. Copeland, resigned.

William T. Spelts, to be postmaster at Wood River, in the county of Hall and State of Nebraska. Office became Presidential October 1, 1902.

NEW JERSEY.

Charles S. Day, to be postmaster at New Market, in the county of Middlesex and State of New Jersey. Office became Presidential January 1, 1903.

NEW MEXICO.

James Corry, to be postmaster at Springer, in the county of Colfax and Territory of New Mexico. Office became Presidential January 1, 1903.

NEW YORK.

Clark E. Churchill, to be postmaster at Arcade, in the county of Wyoming and State of New York, in place of Clark E. Churchill. Incumbent's commission expires January 13, 1903.

Frank J. McNeil, to be postmaster at Dansville, in the county of Livingston and State of New York, in place of Frank J. McNeil. Incumbent's commission expires January 13, 1903.

Charles E. Morgan, to be postmaster at West Winfield, in the county of Herkimer and State of New York. Office became Presidential January 1, 1903.

Jonas M. Preston, to be postmaster at Delhi, in the county of Delaware and State of New York, in place of Jonas M. Preston. Incumbent's commission expires January 13, 1903.

Henry S. White, to be postmaster at Walton, in the county of Delaware and State of New York, in place of Henry S. White. Incumbent's commission expires January 13, 1903.

NORTH CAROLINA.

William J. Flowers, to be postmaster at Mount Olive, in the county of Wayne and State of North Carolina. Office became Presidential January 1, 1903.

William H. Long, to be postmaster at Roxboro, in the county of Person and State of North Carolina. Office became Presidential January 1, 1903.

Ella M. Sanders, to be postmaster at Albemarle, in the county of Stanley and State of North Carolina. Office became Presidential January 1, 1903.

NORTH DAKOTA.

William J. Hoskins, to be postmaster at Rolla, in the county of Rolette and State of North Dakota. Office became Presidential January 1, 1903.

OHIO.

Lucius A. Austin, to be postmaster at Granville, in the county of Licking and State of Ohio, in place of Lucius A. Austin. Incumbent's commission expires January 24, 1903.

William H. Baum, to be postmaster at Batavia, in the county of Clermont and State of Ohio, in place of William H. Baum. Incumbent's commission expired January 31, 1902.

Clayton H. Bishop, to be postmaster at Centerburg, in the county of Knox and State of Ohio. Office became Presidential January 1, 1903.

Albert C. Buss, to be postmaster at New Bremen, in the county of Anglaize and State of Ohio, in place of Albert C. Buss. Incumbent's commission expires January 24, 1903.

Peter Schatzman, to be postmaster at Glendale, in the county of Hamilton and State of Ohio. Office became Presidential January 1, 1903.

L. H. Wadsworth, to be postmaster at Wellington, in the county of Lorain and State of Ohio, in place of Mary L. Herrick. Incumbent's commission expires January 24, 1903.

OKLAHOMA.

John H. Asbury, to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma, in place of Ida McKeand, removed.

Perry C. Hughes, to be postmaster at Busch, in the county of

Roger Mills and Territory of Oklahoma. Office became Presidential January 1, 1903.

Charles W. Sherwood, to be postmaster at Okeene, in the county of Blaine and Territory of Oklahoma. Office became Presidential January 1, 1903.

George S. Walker, to be postmaster at Bridgeport, in the county of Caddo and Territory of Oklahoma. Office became Presidential January 1, 1903.

OREGON.

Thomas L. Ambler, to be postmaster at Mount Angel, in the county of Marion and State of Oregon. Office became Presidential January 1, 1903.

Fred. A. Bancroft, to be postmaster at Portland, in the county of Multnomah and State of Oregon, in place of Allen B. Croasman. Incumbent's commission expired May 10, 1902.

PENNSYLVANIA.

James Agnew, to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania, in place of James Agnew. Incumbent's commission expired May 11, 1902.

Thomas F. Dunn, jr., to be postmaster at Weatherly, in the county of Carbon and State of Pennsylvania, in place of Thomas F. Dunn, jr. Incumbent's commission expired May 11, 1902.

VERMONT.

Warner B. Nichols, to be postmaster at Essex Junction, in the county of Chittenden and State of Vermont, in place of Warner B. Nichols. Incumbent's commission expires January 31, 1903.

James E. Pollard, to be postmaster at Chester, in the county of Windsor and State of Vermont, in place of Mina D. Jones. Incumbent's commission expires January 10, 1903.

VIRGINIA.

Robert A. Anderson, to be postmaster at Marion, in the county of Smyth and State of Virginia, in place of Charles C. Lincoln. Incumbent's commission expires February 1, 1903.

Charles Bugg, to be postmaster at Farmville, in the county of Prince Edward and State of Virginia, in place of Samuel H. Bliss, removed.

WISCONSIN.

Edward A. Bass, to be postmaster at Montello, in the county of Marquette and State of Wisconsin. Office became Presidential January 1, 1903.

Bernhard Beck, to be postmaster at Horicon, in the county of Dodge and State of Wisconsin, in place of Bernhard Beck. Incumbent's commission expires January 23, 1903.

Joseph W. Fritz, to be postmaster at Ladysmith, in the county of Gates and State of Wisconsin. Office became Presidential January 1, 1903.

Harry C. Hall, to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin, in place of Clement C. Williams. Incumbent's commission expires January 23, 1903.

Elden W. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Frank T. Brunk. Incumbent's commission expired February 15, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 8, 1903.

CONSUL.

Thomas P. Moffatt, of New York, to be consul of the United States at Turks Island, West Indies.

ASSISTANT TREASURER.

A. Lincoln Dryden, of Maryland, to be assistant treasurer of the United States at Baltimore, Md.

SURVEYORS OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts.

Richard W. Burt, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois.

COLLECTOR OF CUSTOMS.

Daniel H. Moody, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine.

APPOINTMENTS IN THE NAVY.

Johnson McC. Bellows, a citizen of Connecticut, to be a chaplain in the Navy from the 31st day of December, 1902.

G. Livingston Bayard, a citizen of Pennsylvania, to be a chaplain in the Navy, from the 19th day of December, 1902.

James P. De Bruler, a citizen of Indiana, to be an assistant surgeon in the Navy, from the 3d day of January, 1903.

Frederic R. Harris, a citizen of New York, to be a civil engineer in the Navy, from the 3d day of January, 1903.

PROMOTIONS IN THE NAVY.

Commander George W. Baird, to be a captain in the Navy, from the 2d day of December, 1902.

Lieut. Commander William Winder, to be a commander in the Navy, from the 21st day of November, 1902.

Lieut. Commander Charles B. T. Moore, to be a commander in the Navy, from the 21st day of November, 1902.

Lieut. Commander Alfred Reynolds, to be a commander in the Navy, from the 2d day of December, 1902.

Lieut. (Junior Grade) Walter R. Gherardi, to be a lieutenant in the Navy, from the 23d day of September, 1902.

Asst. Surg. Richmond C. Holcomb, to be a passed assistant surgeon in the Navy, from the 2d day of December, 1901.

Paymaster John Q. Lovell, to have the rank of lieutenant-commander in the Navy, from the 2d day of December, 1902.

POSTMASTER.

GEORGIA.

John A. Crawford, to be postmaster at Dalton, in the county of Whitfield and State of Georgia.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 8, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PHILIPPINE CONSTABULARY BILL.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officer, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Philippine constabulary bill, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That officers of the Army of the United States may be detailed for service as chief and assistant chiefs of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier-general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided,* That the difference between the pay and allowances of brigadier-general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.

SEC. 2. That any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided.

Mr. COOPER of Wisconsin. Mr. Chairman, this bill, the committee will observe, contains two sections. The first relates to the constabulary and provides that the officer in chief command of the constabulary in the islands shall have the rank and pay and emoluments of a brigadier-general of the United States Army. It also provides that the increase in compensation shall be paid out of the insular treasury.

The second section of the bill relates to the native Philippine scouts now enlisted in the Regular Army of the United States, and provides that when they are detailed to serve with the constabulary they shall be under the command of the chief of constabulary. Under an act passed by the Philippine Commission, there has been organized in the islands what is known as the Philippine constabulary. It now numbers about 6,000 men, all of whom are natives of the islands.

Mr. LIVINGSTON. Will the gentleman allow me a question?

Mr. COOPER of Wisconsin. Yes.

Mr. LIVINGSTON. Are those who have command of the police native officers?

Mr. COOPER of Wisconsin. They are not. The command or the selection of the commander of this force is left entirely with the Commission.

Mr. LIVINGSTON. They are not natives?

Mr. COOPER of Wisconsin. They are not.

Mr. LIVINGSTON. I see under the second section of the bill that they are placed under the command of officers serving as chiefs or assistant chiefs of the Philippine constabulary. They are turned over to the police force. Does the gentleman think that is a safe proposition?

Mr. COOPER of Wisconsin. Undoubtedly; it is so safe that

it is approved of by the Secretary of War, it is approved by General Young, it is approved by General Corbin—

Mr. LIVINGSTON. That does not make it any better if it is wrong. I suppose the gentleman is aware of the fact that they are not responsible to anybody except the Commission; they are not responsible to the Army, and yet you turn over our soldiers to do police duty under the command of a police officer. I ask you again if you consider that a safe proposition?

Mr. COOPER of Wisconsin. I was about to reply to that, and if the gentleman will permit me to conclude the reply, I think he will be satisfied. It satisfies General Young, it satisfies General Corbin, it satisfies the Secretary of War, and it further satisfies Governor Taft, of the Philippine Commission. It also satisfies Governor Wright, who appeared before our committee and warmly advocated the passage of the bill as it is presented. It also satisfies Col. Clarence R. Edwards, in charge of the Bureau of Insular Affairs, dealing purely with civil affairs in the islands. The gentleman from Georgia, I think, somewhat misapprehends the situation. There are in the islands what is known as a constabulary force.

Mr. LIVINGSTON. That is the police force.

Mr. COOPER of Wisconsin. Just a moment. It is a police force primarily, but it can be taken for the purpose of national defense. It can be taken by the Philippine Commission for general defense of the archipelago.

Mr. LIVINGSTON. Now, just there. If it is taken for defense, should it not be under a Regular Army officer?

Mr. COOPER of Wisconsin. Yes; they are under a Regular Army officer now.

Mr. LIVINGSTON. Not by this bill.

Mr. COOPER of Wisconsin. This bill provides that the man in command of the constabulary shall have the rank and pay of a brigadier-general. To-day the man in command is Captain Allen, of the Regular Army. The bill provides also, and it is the law, that, with the consent of the military authorities, a brigadier-general of the Regular Army can be appointed.

Mr. LIVINGSTON. To whom are they responsible?

Mr. COOPER of Wisconsin. To the Philippine Commission. The Commission has entire charge of the enlisted men of the command and responsibility for its discipline under laws which they have passed.

Mr. LIVINGSTON. They could not possibly be court-martialed. As I understand, these are troops of the United States put under the command of a police officer, and the entire responsibility for what may or may not be done rests upon that police chief; and whatever offenses he may be guilty of, you can not bring him before a court-martial.

Mr. COOPER of Wisconsin. These are not soldiers; they are practically a police force of the island—a constabulary enlisted for two years.

Mr. CRUMPACKER. Will the gentleman from Wisconsin [Mr. COOPER] allow me to ask him a question or two? As I understand, this bill does not by its own force put scouts under the control of the chief of the constabulary, but that would have to be done with the consent of the War Department.

Mr. COOPER of Wisconsin. The gentleman from Georgia [Mr. LIVINGSTON] has not been talking about scouts, but about a constabulary. The scouts constitute an entirely different force.

Mr. CRUMPACKER. I understand this constabulary to be a sort of military organization, composed of men enlisted for a definite term.

Mr. COOPER of Wisconsin. Yes, for two years.

Mr. CRUMPACKER. It serves a purpose similar to that of the militia in one of the States; and its business is to do police work—to maintain order.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. CRUMPACKER. This constabulary, as I understand, is made up of natives.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. CRUMPACKER. Excepting some of the officers.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. OLMSTED. Will the gentleman allow me a question? The gentleman from Georgia seems to be under the impression that the officer in charge of this constabulary would not be subject to court-martial. If he were, as the bill provides, a Regular Army officer of the United States, he would be subject to court-martial, would he not?

Mr. COOPER of Wisconsin. Yes; but the bill does not provide that he must necessarily be a Regular Army officer.

Mr. LIVINGSTON. It does everything but that.

Mr. COOPER of Wisconsin. But I do not understand there is the slightest point in the objection attempted to be raised by the gentleman from Georgia, because it is not necessary for the discipline of the police force that they should be subject to court-martial; there is no necessity for that at all.

Mr. LIVINGSTON. The gentleman does not understand me.

Let me put my statement in another form and see whether he sees the force of it. Suppose there should be disorder in Chicago; would you turn over United States troops to the police court of Chicago? Would you dare to do such a thing as that?

Mr. COOPER of Wisconsin. There is an implied fallacy in the gentleman's question, which I hope he will see upon reflection. There is all the difference in the world between the status of the State of Illinois and its relation to the Government of the United States and the status of the government of the Philippine Islands. There is no analogy whatever.

Mr. LIVINGSTON. Then take New Mexico instead of Chicago.

Mr. COOPER of Wisconsin. We can not, as the Congress of the United States, pass a statute affecting the police force of the city of Chicago. There is, therefore, no point in the gentleman's interrogatory. We can, however, do what we please with the municipal police force of the Philippine Islands.

Mr. LIVINGSTON. The very fact that we can not do what I have suggested in Chicago is the reason why we ought not to do it in the Philippine Islands. That is the point I make.

Mr. FITZGERALD. As I understand, under the provisions of this bill a second lieutenant can be detailed as chief of the police force, with the powers of a brigadier-general?

Mr. COOPER of Wisconsin. I have anticipated that question; yes, sir.

Mr. FITZGERALD. Then I think this is a very dangerous bill.

Mr. COOPER of Wisconsin. If the bill is vicious, is it not strange that its bad qualities should have escaped the observation of men whose life profession has been that of military officers, and also of other men like Governor Taft and Governor Wright, and the other members of the Philippine Commission?

Mr. FITZGERALD. If I had the power to detail or appoint these officers perhaps I might think it a good thing that such authority should be exercised. Possibly, if I were empowered to appoint a second lieutenant and make him practically a brigadier-general for life, I might not perceive the objection to it.

Mr. COOPER of Wisconsin. If my friend from New York will take the pains to examine the testimony of Colonel Edwards and Governor Wright upon this very point, he will see that there is nothing tenable in his objection—nothing whatever.

Mr. FITZGERALD rose.

Mr. COOPER of Wisconsin. Governor Wright, in speaking upon the necessity of having some leeway in the selection of the commanding officer, said:

We would endeavor to secure the very best kind of men we could find. The officers who have become brigadier-generals are generally elderly men, who would not care for that sort of work. It is a kind of duty which requires a very alert, driving man, in the full vigor of manhood, and I think you can best get him out of the captains and majors, to be frank about it; and that is what we want.

They have selected Captain Allen, of the Regular Army—originally a volunteer officer—who has an exceptionally brilliant record, and is a man of most unusual qualifications for the position. Governor Wright says, as does Colonel Edwards, that Captain Allen is a man of great physical energy and of unusual ability. They also say, what is patent to everybody who reflects upon the situation, that the matter of personnel is of prime importance in the Philippine administration. We can not select any and every brigadier-general and expect that he will do proper service as the head of the constabulary of the Philippine Islands.

It requires a man of unusual qualifications. They found the ideal man in Allen, and they want to retain him. He has under his command 6,000 men. A captain in that position does not have rank commensurate with his duties and responsibilities. The Commission wish to select the best man obtainable, not necessarily a brigadier-general nor a major-general. There are major-generals to-day in the service of the United States who would not be fitted to command the constabulary of the Philippine Islands, and it is especially so when we come to the selection of these officers.

Mr. STEPHENS of Texas. I would like to ask for information. How many assistant chiefs does this bill create?

Mr. COOPER of Wisconsin. The constabulary act organizing that force in the island provides that there shall be four subdivisions and that each of these shall have a chief. For some time there has been a vacancy among those chiefs, there being at present but three.

Mr. STEPHENS of Texas. This uses the term "assistant chiefs."

Mr. COOPER of Wisconsin. Well, those are the assistant chiefs.

Mr. STEPHENS of Texas. Who?

Mr. COOPER of Wisconsin. These three men already having command under the chief. One of them has command of about fifteen hundred men. They each have command of approximately

two thousand—fifteen hundred to two thousand men. That number is under Allen as commander in chief.

Mr. STEPHENS of Texas. I see you make each one of the assistant chiefs a colonel.

Mr. COOPER of Wisconsin. Each has from 1,500 to 2,000 men under him, and he ought to have that rank. I also wish to remind the committee of the fact that these men have by their efficiency enabled us to reduce the force of the army in the Philippine Islands. That is the opinion of Governor Taft, as it also is of Governor Wright. They have been exceedingly efficient. From the 6,000 men in the constabulary there have been less than 25 desertions. Their cost per capita is about \$250 a year to the insular government.

Mr. CANDLER. If the gentleman will allow me, I understand there is nothing in this bill to prevent the appointment of any officer of the United States Army to this position.

Mr. COOPER of Wisconsin. Yes; and he will retain it simply while he acts as commander in chief of the constabulary force.

Mr. CANDLER. Then an officer of lower rank appointed under this bill would receive the pay of a brigadier-general?

Mr. COOPER of Wisconsin. Yes; because he would be doing a great deal more service than many brigadier-generals are doing.

Mr. CANDLER. Then a lieutenant or captain or any officer of lower rank could be appointed to that position and receive that pay under this bill?

Mr. COOPER of Wisconsin. Yes; but he would be commanding 6,000 men, in the discharge of duties which are arduous and dangerous and of vital importance to that archipelago, and therefore of great importance to this country.

Mr. CANDLER. Would not that permit the officers so appointed to advance in rank above other officers of the United States Army?

Mr. COOPER of Wisconsin. They hold that rank only while they command that constabulary force. The bill so provides.

Mr. CANDLER. Then I notice further that this bill provides that the payment of these officers shall be out of the Philippine treasury.

Mr. COOPER of Wisconsin. Yes.

Mr. CANDLER. Is there any money in the Philippine treasury out of which to pay them?

Mr. COOPER of Wisconsin. Yes.

Mr. CANDLER. A sufficient fund there for that purpose?

Mr. COOPER of Wisconsin. Yes.

Mr. CANDLER. In case of a deficiency would it not have to be paid out of the Treasury of the United States?

Mr. COOPER of Wisconsin. The United States Government will not have to pay one penny of it. The bill especially provides that it shall come out of the insular treasury.

Now, besides the constabulary force, there are about 5,000 native Filipino scouts in the Regular Army. When any number of these scouts are detailed to-day to assist the constabulary, they usually go in small numbers, and are under command of a lieutenant or captain of the Army. The duty of that officer is primarily to the United States through the Regular Army. There is also the constabulary force, the commander in chief of which, or the commander of any number of which, is primarily responsible to the insular government. We have then a conflict of authority. The purpose of this bill is to unite the two bodies of troops when they are performing police duty there in the islands under the command of the chief of the constabulary force.

I think that is all I have to say at this time, and I reserve the balance of my time.

Mr. THAYER. If the gentleman will allow me, it is possible that the question I am about to ask has been answered, but I was unable to hear what was going on. I would like to ask how many persons are contemplated as assistants? I notice there is to be one commander in chief, and how many assistants are there to be under this bill?

Mr. COOPER of Wisconsin. Mr. Chairman, the constabulary force is organized under an act passed by the Philippine Commission. That act provides that there shall be a commander in chief of the constabulary, and four assistants. There are four grand divisions of territory, so to speak, each of which has a constabulary force numbering from fifteen hundred to two thousand men—certainly a thousand or more—and each of those separate divisions is under the command of an officer.

Mr. THAYER. Then the number would be limited to four assistants, would it?

Mr. COOPER of Wisconsin. Yes.

Mr. THAYER. And what extra expense would have to be paid out of the Philippine treasury above what is now paid?

Mr. COOPER of Wisconsin. The difference between their present pay and the pay of a colonel.

Mr. THAYER. Does the gentleman know how much that is—how much will be the extra expense entailed upon the Philippine treasury?

Mr. COOPER of Wisconsin. It is the difference between the pay of a captain and the pay of a colonel. The pay of a brigadier-general, I will say, is \$4,500 a year and \$50 a month for quarters. The pay of a colonel I do not remember, and I shall have to ask the gentleman from Iowa [Mr. HULL] how much that is.

Mr. HULL. It depends on the length of service. The flat pay of a colonel is \$3,600.

Mr. THAYER. And the pay of a captain?

Mr. HULL. The pay of a captain, mounted, is \$2,000.

Mr. COOPER of Wisconsin. Then it would be the difference between \$2,000 and \$3,600.

Mr. THAYER. For each person?

Mr. COOPER of Wisconsin. Yes. I yield now to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, I yield fifteen minutes to my colleague [Mr. MADDOX].

Mr. COOPER of Wisconsin. Mr. Chairman, a moment ago I reserved the remainder of my time.

The CHAIRMAN. The gentleman from Wisconsin reserves the remainder of his time.

Mr. MADDOX. I hope this will not be taken out of my time.

Mr. Chairman, I am opposed to this bill, and I propose to give some reasons for it now. I do not think we ought to pass it. I do not think it is necessary. I am opposed to it generally; I am opposed to imposing additional tax on these Philippine people which I consider at this time an outrage. I want to call the attention of the House to the fact that the purposes and objects of this bill are simply to promote a captain who is in charge of the constabulary force in the Philippine Islands to the rank and pay of a brigadier-general. The bill provides that the difference in pay between that of a captain and that of a brigadier-general shall be charged to the insular funds—they shall pay this difference. He is to be provided also with assistants, who shall rank as colonel, and the Filipinos shall pay the difference in price between the rank now of a lieutenant or captain and that of a colonel, and it must be paid out of the Philippine funds.

Now, gentlemen of the House, what are the conditions of these Philippine people at this time, that we should go to work and propose to promote a gentleman from the rank of captain to that of brigadier-general? Gentlemen, if you will examine the evidence you will find that the purpose and object of this bill as submitted by the Committee on Insular Affairs is to promote one Captain Allen to a brigadier-general. It is evident that he must have a considerable amount of political influence behind him, as he has already represented this country in Berlin and Russia, I believe. Now, it seems that the Commission are especially attached to this one captain. It seems that the general commanding the Philippine Islands suggested to this Commission six officers whom he thought were particularly fitted to take charge of this force—colonels, majors, captains—but they chose this captain. Now they propose to make this captain a brigadier-general and make the people of those islands pay the difference in his pay as captain and that of brigadier-general.

Now, Mr. Chairman and gentlemen of the House, I want to ask special attention to the reading of the report of the Secretary of War as to the condition of these Philippine people; and yet you want this House to tax them further in order to increase the pay of some particular officer.

The Clerk read as follows:

I shall not now undertake, nor is it the proper office of such a report as this, to argue the economic questions which may be raised by the consideration of these recommendations. The views upon which they are based have been presented in my former reports and in the reports of the Philippine Commission. The reason for presenting them now is that the ills which have recently befallen the people of the islands call urgently for active and immediate measures of relief. The people of a country just emerging from nearly six years of devastating warfare, during which productive industry was interrupted, vast amounts of property were destroyed, the bonds of social order were broken, habits of peaceful industry were lost, and at the close of which a great residuum of disorderly men were left leading a life of brigandage and robbery, had a sufficiently difficult task before them to restore order and prosperity. In addition to this, however, the people of the Philippine Islands have within the past year been visited by great misfortunes.

The rinderpest has destroyed about 90 per cent of all their carabaos, leaving them without draft animals to till their land and aid in the ordinary work of farm and village life. Carabaos have increased in price from \$20 to \$200 Mexican. The Eastern disease known as "surra" has killed and is killing the native and American horses, further crippling transportation. The rice crop has been reduced to 25 per cent of the ordinary crop. Last year in the Visayan Islands and this year in Luzon a plague of locusts has come upon the land, destroying much of the remaining 25 per cent of the rice crop. A drought in China and the fall in the price of silver have raised the price of rice from \$4 to \$7 a picul. The Commission has been obliged to go out of the islands and use insular funds to buy over 40,000,000 pounds of rice to save the people from perishing by famine. Cholera has raged and is raging throughout the islands.

The ignorance of the people and their unwillingness to submit to sanitary regulations have made it almost impossible to check the ravages of the disease, which, it is estimated, will claim not less than 100,000 victims. The decline in the price of silver has carried Mexican dollars down from a ratio of 2 to 1 in gold to a ratio of over 2½ to 1, and this has borne heavily on the commercial interests and on the wage-earners.

The insular government has in ten months lost over \$1,000,000 gold by the decline in silver, because it was operating on a silver basis, and this has

changed the surplus of revenues into a deficit at the very time when the other causes mentioned have caused an extraordinary demand for the use of the revenues for the relief of the people. Agriculture is prostrated. Commerce is hampered and discouraged. All the political parties in the Philippines urgently demand a change of the present currency standard. Some relief would be afforded by opening a profitable market in the United States to the products of the islands.

Mr. MADDOX. Now, Mr. Chairman, it will be observed from that report that every ill that can afflict a country is now upon these Philippine people. That report accompanied the bill that was brought before this House by the Committee on Ways and Means and offered as a reason for reducing the tariff, as you all remember. This Commission that is in charge of the Philippine Islands to-day, which represents our Government, have gone out now, and are spending thousands and hundreds of thousands of dollars for rice to feed the people upon—money taken from the Philippine treasury. It seems, further, from the report that there is a disease known as the rinderpest that has destroyed 90 per cent of their work cattle, the carabaos; another disease, called "surra," that is killing the native and American horses; that they only have 25 per cent of a rice crop, and that they are afflicted with a visitation of locusts that are eating up that 25 per cent of a crop. Not only that, but they have cholera, and it is estimated that 100,000 of these people will die of that disease.

Now, in addition to that, a message was sent to the House by the President of the United States yesterday asking us to appropriate \$3,000,000 in order that we may give support to these plague-stricken people of the Philippine Islands, and yet the majority of the Committee on Insular Affairs, of which I am a member, propose to tax these people, these plague-stricken people, these people asking alms at the hands of the United States Government, these people who are starving and dying from diseases, these people whose cattle are dying from diseases, and who have lost nearly all of them—we propose to elevate and increase the salary of a captain and make him a general over the police force down there, and do it out of the Philippine revenues.

I say, gentlemen, it is not right. It is an outrage upon these people. But in the first place, it is not necessary. It is wholly unnecessary. There other men in this country besides Captain Allen. We have got 14 brigadier-generals in the line, 21 generals in the United States Army; and if it is necessary to have a general to command down there, why not detail one and send him down there? But the chairman of this committee says that the evidence before the committee shows that when a man comes to be brigadier-general in this country he is probably too old and worn-out for this service. You can see from the evidence that this man whom they propose to promote is 45 years old. We all know that General Funston is not that old. This is the very job for him.

My judgment is that he would make an elegant chief of police, and if it was necessary to have a detective around there he could perform that job all right. [Laughter.] He is young now and he can do it. But we have other brigadier-generals that are well qualified for the job. Any of them can perform that service. The question is, is it humane, is it just, is it right, to inflict an additional tax on their treasury, already empty, to make a brigadier-general out of a captain, when we have, figuratively speaking, got them to burn in this country and nothing to do? Then take the assistants, who are volunteer officers who have no commission in the Regular Army, making them colonels now and taxing these poor people down there to pay the difference between their salaries as a lieutenant and a colonel. Now, gentlemen may say that this is a small matter. Well, it would be a small matter if these people were able to pay their debts and able to live; but we have got abundant evidence before us from the Secretary of War, and, in fact, from every direction, that they are not able to support themselves. They are afflicted with every ill known to man, and not able to live. Now we propose to add an additional tax, levy it upon these poor people, in order to make a general out of a captain and to put a few more additional stars on some fellow's collar.

I say there is no necessity for this. If it is important that we should have a man down there with the rank of a general, we have generals to place there. Send one down from here. If they need a colonel, the woods here are full of them. We can send these officers from here at no additional expense to either this Government or the Filipinos. I stand upon the high ground that it is wrong to inflict this tax upon those people, and if it is necessary—and it may be—we ought to have an officer above the rank of captain to give him the proper dignity, and in all probability to prevent a conflict of authority between the officers of the native troops and the constabulary. If it is true that we need him, we have plenty to send there without promoting this man and adding this additional burden on the insular government down there. [Applause.]

Mr. COOPER of Wisconsin. How much time has the gentleman from Georgia occupied, Mr. Chairman?

The CHAIRMAN. Fourteen minutes.

Mr. COOPER of Wisconsin. I think the other side better occupy some more of their time.

Mr. JONES of Virginia. Mr. Chairman, I do not believe there is anything in the conditions prevailing in the Philippine Islands to warrant the passage of such legislation as is proposed in this bill. It seems to me that from every point of view this would be bad legislation. I understood the distinguished gentleman, the chairman of the committee, to read from the testimony of one of the witnesses who appeared before the Insular Committee to the effect that the brigadier-generals of the Army were mostly elderly men, and that therefore their assignment to perform the duties pertaining to the position of chief of constabulary in the Philippine Islands is not desirable; in other words, Mr. Chairman, that the ages and infirmities of the brigadier-generals would prevent their performing the active duties pertaining to the position of the chief of the constabulary in the Philippine Islands.

Now, Mr. Chairman, it is a fact that there are to-day 14 brigadier-generals in the United States Army, and it is also a fact that about one-half of them are of about the same age as Captain Allen, who is to-day occupying this responsible position and who, if this bill passes, we all know will become a brigadier-general. As has been said by my colleague from Georgia, General Funston is doubtless a younger man than Captain Allen. General Grant is a comparatively young man, and General Bell is a young man, and General Wood is probably a younger man than Captain Allen. Therefore I can not see the force of the reasoning of the gentleman from Wisconsin.

But, Mr. Chairman, the law enacted by the Philippine Commission provides for the appointment of only four assistant chiefs. Now, there are in the Philippine Islands 6,000 constabulary and 5,000 native scouts who may be at any moment assigned to duty with the constabulary, making a force of 11,000 men who may be under the command of the chief of the constabulary. There are, as I have said, only four assistant chiefs to-day, but immediately upon the passage of this bill, if it is passed, I predict that it will occur, if it has not already occurred, to the Philippine Commission that four assistants are not a sufficient number for the command of so large a force as 11,000 men. The number of commissioned officers in a force of that size in the Regular Army is something like 450 or 500.

If the Philippine Commission shall determine after the passage of this bill that four assistants are not sufficient to command so large a body of troops, and that in their opinion a great many more were required, they could so amend the law enacted by themselves that it would permit of the detail of 500 second lieutenants as assistant chiefs, thus promoting them to the rank of colonel, and increasing their pay from \$1,400 a year to from \$3,500 to \$4,500, this difference in pay to be drawn from the Philippine treasury at the very moment that the Secretary of War is asking Congress to appropriate \$3,000,000 out of the Treasury of the United States to avert the destruction by starvation of thousands of Filipinos who have not the means to purchase food to preserve their miserable lives.

But, Mr. Chairman, this is not by any means the only objection to be urged against this proposed legislation. Just think of the opportunities which this bill will offer for the exercise of favoritism if it is enacted into law. When once it shall be understood that there is a way by which a large number of second lieutenants can be transformed in an instant into full-fledged colonels, it is not difficult to believe that those commanding political influence would at once bring it to bear in their favor.

That this bill is open to this very grave objection can not be denied, and it is for that reason largely that I am opposed to it. I do not believe there is anything in the argument that it is necessary to increase the rank of the chief of constabulary in order to increase his dignity and authority. I believe that a constabulary commanded by a captain of the Regular Army would command the same respect and wholesome fear as if commanded by one who had the rank and title of brigadier-general.

And I can not see that any good can possibly come from this sort of legislation. I believe, with all due respect for those who are urging the passage of this measure, that its chief purpose is to exalt and to increase the salary of the officer who is now at the head of the constabulary in the Philippine Islands and who, as it happens, is now a captain, but whose friends would like to see him wear a star on his collar.

I do not believe there is anything in the argument that the bestowal of the title of brigadier-general upon the chief of the constabulary would add anything to the efficiency of the force. It may be that the rank and the pay of the present chief is not entirely commensurate with the responsibilities and duties of the position. But, however that may be, it is not a sufficient reason, in my judgment, for the passage of this bill. If the chief should hold the rank of brigadier-general—there are 14 brigadier-generals,

any one of whom can now be detailed to discharge the duties of the position—the Commander of the Army has the same authority and right to detail General Wood, or General Bell, or General Carter, or General Funston, all young and vigorous men, to perform these duties that he had to detail Captain Allen.

If this legislation be enacted, it will, in my opinion, cause much friction and engender a great deal of feeling and a great deal of heartburning in Army circles. When young officers are promoted over the heads of those who have seen long service and whose records are the most honorable I shall not be surprised to find that it has created much dissatisfaction in the service, especially in those cases where the promotions are secured through political influences.

For these reasons, I am utterly opposed to this proposed legislation. The reasons advanced in favor of the measure are not, in my judgment, entitled to serious consideration. The gentlemen who are urging it—members of the Philippine Commission, in close contact with Captain Allen and his assistants—may think that the peculiar qualifications of the present chief and his assistants entitle them to higher rank and increased pay. I am willing to concede all that may be claimed for them on this score; but I am not willing they shall have it in the way here proposed. The passage of this bill would necessarily result in much injustice, and perhaps demoralize the service, and I am therefore opposed to it. [Applause.]

Mr. CHAIRMAN, I reserve the remainder of my time.

Mr. COOPER of Wisconsin. I yield fifteen minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, I believe the pending bill to be a worthy and meritorious measure, and I believe that when it is properly understood it will have the support of substantially all the members of this committee.

In the first place, it should be understood that the Philippine constabulary is a local police organization. I say a local police organization; it is a military organization created for the purpose of performing both police and military duties of a peculiar local character. The function of policing and preserving order naturally belongs to the local government, and that work has been assumed by the insular government of the Philippine Archipelago.

The constabulary is a force of this character, composed of natives enlisted for a period of two years; and the annual expense of maintaining the organization has been \$250 per capita—a million and a half of dollars a year. The first question to be determined is, Should the chief of this force have the dignity, the rank, and the pay of a brigadier-general? The chief of constabulary is not, as such, an officer of the Regular Army; his appointment is not made and will not be made by the President of the United States or the Secretary of War. He is an insular officer; and the testimony of General Wright and those best qualified to speak on the question is that the duties and the responsibilities of the chief of constabulary are more important and more exacting than those of a brigadier-general in the Regular Army; and it is the judgment of these men that beneficial results will come from the increased dignity and rank of that officer, as contemplated by this bill.

When that question is determined, it seems to me that practically all other questions are answered. If the chief of constabulary is entitled to this dignity, this rank, and this salary, then it is the business of the civil Commission to go where it may and employ the most efficient man to perform the office.

The Commission has a right under this bill to appoint as chief of constabulary, with the consent of the President, an officer of the Regular Army. The Commission may select a private of the Regular Army or anyone from private life, but if the Commission should select an officer of the Regular Army the insular government saves just the amount of the salary of that officer as such, because the Federal Government will continue to pay him his regular salary, and the insular government will be required to pay only the difference between the salary that he draws—say as captain—and the salary of a brigadier-general. So it will be to the interest of the insular government to appoint, with the consent of the Secretary of War, a Regular Army officer, if an efficient one for this work can be found.

Now, the objection or criticism which was made to the bill, that there might be a conflict of jurisdiction, or that it might result in embarrassment to put a company of scouts, which is an auxiliary of the Regular Army, under control of the chief of constabulary, I think it utterly without force. When this bill is read and analyzed, it will be discovered that companies of scouts can only be detailed by the consent of the Army officer in charge of that division, and when they are in action—so detailed in performing local police duty in the maintenance of order—the bill says they must be under some particular leadership, under some responsible head, and the chief of constabulary must be in control in performing this purely, this necessarily, domestic police duty.

Mr. FITZGERALD. Will the gentleman permit an interruption?

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Will the gentleman explain how this chief of constabulary will have any additional power by reason of his assignment or his rank and pay as brigadier-general?

Mr. CRUMPACKER. Any additional power?

Mr. FITZGERALD. Power. He will have additional rank?

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. He will have additional pay. Now, what additional power, which is the main thing, will come from it?

Mr. CRUMPACKER. He will not have any additional power by virtue of this bill excepting his authority over the companies of scouts that may be detailed to assist him in performing the duties of the constabulary. That is all.

Mr. FITZGERALD. Will it make any difference what his rank is if companies of scouts are detailed to act under his direction?

Mr. CRUMPACKER. Why, not necessarily.

Mr. FITZGERALD. Not at all, will it?

Mr. CRUMPACKER. No. It is the judgment of the Philippine Commission and of the War Department that in view of the peculiar exactions of that position and its responsibilities the rank and pay ought to be, in justice, that of a brigadier-general. That is the first proposition.

Mr. FITZGERALD. But I understood the gentleman and his colleague on the committee [Mr. COOPER of Wisconsin] to say that the power or the authority that would come from this rank was what was necessary on account of this difficult situation.

Mr. CRUMPACKER. The only additional authority given to the chief of police is the authority to control and direct the movements of companies of scouts during the time they have been assigned to him to assist in maintaining the local order—in warfare, for instance, against bands of ladrones.

Mr. FITZGERALD. But I call the attention of the gentleman to this fact: Suppose the Commission appointed a civilian to this place, and suppose, at the request of the Commission, regular scouts were detailed to act under this chief of the constabulary, who is a civilian—

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Would he not have the same power over those companies of scouts as a man who would be there with the rank of brigadier-general?

Mr. CRUMPACKER. Most certainly, and he would have the rank, if the gentleman will heed, and pay of a brigadier-general just the same. The bill gives the rank and pay to the office and not the officer; and it makes no difference who occupies the office, whether a Regular Army officer or a civilian, he is clothed with this power and rank and pay.

Mr. FITZGERALD. The gentleman misunderstands me. My question is this: Suppose this bill does not pass, is not a law, and a civilian is appointed chief of the Philippine constabulary, he has no rank except what is implied in that title.

Mr. CRUMPACKER. That is right.

Mr. FITZGERALD. At the request of the Commission native scouts are assigned to do duty under this civilian who is the chief of the constabulary.

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Would not such a man have the same power and authority over those scouts as a man who had been assigned from the Regular Army, and under the operation of this bill given the rank of brigadier-general?

Mr. CRUMPACKER. Most assuredly. As I said, the rank and pay and title are given to the office and not to the officer. It does not make any difference who occupies the office, his rank and his pay and authority are the same.

Mr. FITZGERALD. No; but the gentleman does not yet comprehend the question. I say, suppose to-day a civilian was appointed chief of the constabulary?

Mr. CRUMPACKER. Yes; I will suppose that.

Mr. FITZGERALD. Would he not have the same power over the scouts detailed to do duty under him as would anybody appointed under the provisions of this bill, and given the rank of brigadier-general?

Mr. CRUMPACKER. I have attempted to answer that question in the affirmative three several times. I will say yes, now, categorically, so that the gentleman will understand my position.

Mr. FITZGERALD. But the gentleman has been adding that both would have the same rank and pay.

Mr. MONDELL. Do I understand that the officer now serving as chief of the constabulary is a Regular Army officer?

Mr. CRUMPACKER. Yes; he is a captain in the Regular Army.

Mr. MONDELL. And paid from the Federal Treasury?

Mr. CRUMPACKER. Paid from the Federal Treasury.

Mr. MONDELL. Is it the understanding that if this bill passes he will probably be retained?

Mr. CRUMPACKER. The presumption is that he will, judging from the testimonial to his fitness that is given by General Wright before our committee, although that is a matter for the Philippine Commission to determine. They would have the power to displace him at any time.

Mr. HULL. If the gentleman will yield to me—

Mr. CRUMPACKER. With pleasure.

Mr. HULL. The gentleman stated that the rank of brigadier-general would attach to a civilian if he should be appointed.

Mr. CRUMPACKER. Yes.

Mr. HULL. Where does the gentleman find that in this bill? I can not find it.

Mr. CRUMPACKER. Does not the bill say so?

Mr. HULL. No; this bill says officers of the Army.

Mr. CRUMPACKER. Then I was mistaken about that.

Mr. HULL. My understanding is that this bill only gives rank to officers of the Army when detailed.

Mr. OLMSTED. That is right.

Mr. HULL. And if they desire to select a civilian this bill would have nothing to do with him except in the second section.

Mr. CRUMPACKER. Provision is already made for the appointment of a civilian by a local law, which provides for the organization and the appointment of a chief and assistant chiefs. The civil commission already has the power to increase the pay and authority of a civilian selected for that office, but this law is necessary to fix the pay and rank of the incumbent if he should be a Regular Army officer.

Mr. HULL. I think the gentleman is in error when he says a civilian acting as chief would have the rank of a brigadier, or if acting as assistant would have the rank of a colonel. He would be simply the chief of police. This bill would have nothing to do with him except in the second section.

Mr. CRUMPACKER. That is all. He would have every benefit except the rank. The pay and authority would be determined by the Philippine Commission without an act of Congress.

Mr. HULL. They could fix his pay at whatever they pleased?

Mr. CRUMPACKER. Under the provisions of this bill he would have control over companies of scouts assigned to him to assist in maintaining local order.

Now, I want to say that a question was raised in relation to the matter of discipline among the scouts. They would be subject to court-martial just the same while operating under the authority of the chief of constabulary as they are now.

Mr. HULL. Would they be subject to court-martial for disobeying the orders of the chief of constabulary?

Mr. CRUMPACKER. I presume so, because this bill puts them under his authority while actually engaged in maintaining order.

Mr. HULL. Then it would certainly be a bad bill.

Mr. CRUMPACKER. Now, there is another thought on the question of expense. The objection was made by the gentleman from Georgia [Mr. LIVINGSTON] that the bill was unjust because it would entail unnecessary expense on the islands. Its economy was one of the strongest and most potent reasons urged on the committee in support of the bill.

Conditions in the Philippine Archipelago are peculiar. The legacy of six years of warfare, and of recent infection and plagues of one kind and another, is that ladronism is more threatening to-day than it ever was, perhaps, in the history of the archipelago; and unless this bill shall be passed, so that the local government can avail itself, in a measure, of the 5,000 scouts who are located there and doing nothing to-day, it will be compelled to increase the force of the constabulary, and it can ill afford to do so at this time. One of the chief virtues of the measure lies in the fact that it will save thousands and perhaps hundreds of thousands of dollars a year to the new struggling government there. That was one of the strongest arguments that was made by General Wright and other witnesses who testified before the committee.

I believe the bill is meritorious all the way through. In relation to the rank, pay, and dignity of the chief of constabulary I know nothing. I am willing to take the judgment of men who are on the ground, and who are supposed to know something of conditions there; supposed to know what effect the matter of dignity and title may have in maintaining order and respect.

Mr. GAINES of Tennessee. Will the gentleman yield simply for an inquiry?

Mr. CRUMPACKER. I will.

Mr. GAINES of Tennessee. I understand the gentleman states that peace has been established in the Philippine Islands. Now, if that is true, will you tell me why you wish to increase the pay of Captain Allen when war is at an end? He performed good service during the war at his present salary.

Mr. CRUMPACKER. I was undertaking to explain that the

responsibilities of the constabulary have been greatly increased by reason of recent conditions, and especially the growth of ladorism, conditions that by some disaffected persons have been charged to the change of government. At any rate, the responsibilities of the office have been greatly increased. He commands an army of 6,000, fully as large as a brigade in the Army, which I understand to be about 6,000.

Mr. HULL. Less than 6,000.

Mr. CRUMPACKER. And this force of constabulary is scattered over an archipelago composed of a great many islands, and where there is a constant menace upon the peace of the people by bandits and ladrones and a disposition to ascribe to the new government some responsibility for the distresses that exist there now. It is necessary to have an alert, broad-minded, courageous man at the head of the organization. There is no more responsible position possibly in the Regular Army at this time, outside of the Commanding General or the Secretary of War, than the chief of the constabulary of the islands.

Mr. ESCH. Will the gentleman permit me to ask him a question?

Mr. CRUMPACKER. Certainly.

Mr. ESCH. I understood the chairman of the committee to say that there are now four assistant chiefs, three being in active service. There is nothing in the bill to prevent the appointment of as many assistant chiefs as the Commission see fit. Will you favor a limitation of the present number, making it four?

Mr. CRUMPACKER. No; I would not, because the bill creating the constabulary was designed and enacted by the Philippine Commission, and that Commission is infinitely better qualified to determine what force should exist there and what officers it should have than we are. I say that we ought to rest that discretion with the Commission, and if an increased number should be necessary the Commission will doubtless increase the number. If we leave it as it is, the present number of four assistant chiefs may be all that will be required. There are only three in active duty now.

Mr. ESCH. You think it is sufficiently safeguarded without making any limitation as to number?

Mr. CRUMPACKER. I think so. There may conditions arise that would make an increase in the number necessary, and the Commission ought to have authority to make that increase.

Mr. ESCH. Without limitation you understand there will be constant efforts made to have the Commission increase the number.

Mr. CRUMPACKER. The same as there is always an effort to increase the number of officers on the civil list. We must in a large measure rely upon the patriotism and good judgment of the members of the Commission.

Mr. WHEELER. Will it interrupt the gentleman if I ask him to explain a statement made by him?

Mr. CRUMPACKER. It will not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. I would like to ask him a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I would just say to the gentleman from Indiana that I promised—

Mr. CRUMPACKER. I am not asking time.

Mr. COOPER of Wisconsin. I will yield so that the gentleman from Kentucky may ask one question of the gentleman from Indiana.

The CHAIRMAN. How much time does the gentleman yield?

Mr. COOPER of Wisconsin. For one question and for the gentleman from Indiana to reply.

Mr. WHEELER. A few moments ago the gentleman stated that unless this bill became law the constabulary there now doing nothing would be greatly increased. I desire to ask him why that would be?

Mr. CRUMPACKER. The gentleman misunderstood me. I said unless this bill became law the constabulary would be increased, because the scouts that are made available under the bill, and who are now there doing nothing, would render no assistance.

Mr. WHEELER. Why?

Mr. CRUMPACKER. The scouts are idle, who are simply performing general military service, and in no sense available at present for police purposes.

Mr. COOPER of Wisconsin. I decline to yield further. How much time has the gentleman from Virginia remaining?

The CHAIRMAN. Thirty-six minutes.

Mr. COOPER of Wisconsin. How much time is there remaining on this side?

The CHAIRMAN. Twenty-six minutes.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON of Tennessee. I regret, Mr. Chairman, that I have to differ with my Democratic colleagues as to the pro-

priety and wisdom of the pending bill. To my mind there is no principle here involving any position that we on this side of the Chamber have contended for.

It is a simple question of giving the chief of the constabulary of the Philippine Islands the rank and pay of a brigadier-general during the time that he occupies the position as chief. I listened to the testimony before the committee, and I came to the conclusion that this bill was a proper one and one that should be passed. Now, it seems that Captain Allen is a man singularly fitted for this important and delicate task. He is a Kentuckian by birth, a man who has rendered in the past conspicuous service to his country, led an expedition to Alaska, is a linguist of rare attainment, speaking Spanish, and is thoroughly acquainted with the customs and habits of the oriental people. Vice-Governor Wright, a man in whose ability and in whose integrity and in whose patriotism I have the most unbounded confidence, speaking in behalf of the Commission, testified before the committee that probably without an exception in the Regular Army, without reflecting upon the Regular Army, there was no man more peculiarly fitted for this service than Captain Allen; that he was taking great interest in this work; that it was an important work, and that he had under his command and under his control and subject to his order 6,000 native Filipinos who were intended at last to supplement the Regular Army in the Philippine Islands.

Mr. FITZGERALD. Will the gentleman allow me a question?

Mr. PATTERSON of Tennessee. I have only five minutes, so I wish the gentleman would make it short.

Mr. FITZGERALD. I want to ask the gentleman if Captain Allen ever had any experience in police duties before.

Mr. PATTERSON of Tennessee. Oh, this is a great deal more than police work; it is a work which the Commission has undertaken wisely and well, and from our standpoint, from the Democratic standpoint, it is good legislation. We are complaining about the immense cost of the Regular Army. The proof before the committee shows that these Filipinos will work, and do work, for very much less than the men in the Regular Army are paid. It shows that they are more effective in a great many ways than the Regular Army would be, because they know the people, they know the country, and they know the situation. When these men are properly officered and properly disciplined, as they are now under the direction and command of Captain Allen they form not only a valuable adjunct to the Regular Army but according to the present plan they will in time take the place of the Regular Army in those islands.

Now, this bill came before the committee with the hearty indorsement of General Wright and of the whole Philippine Commission, and with the hearty indorsement of the military department, including the adjutant-general and the Secretary of War, and, so far as I view it, it is a proper measure and one that is entirely in accord with the Democratic idea of reducing the cost, and reducing the army, in the Philippine Islands. There are other provisions in this bill, Mr. Chairman, that I would like to discuss, but my time is up. [Applause.]

Mr. JONES of Virginia. If the chairman of the committee does not wish to occupy any further time at present I will yield ten minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. There are many of the features of this bill that I am in hearty sympathy with. I have no objection to using the Filipino scouts in a proper way to help preserve peace in the islands; they are there for that purpose. I do object, however, to many of the provisions of this bill. In section 1 it is provided that one officer of the Army may be detailed for chief of the constabulary, and while so acting shall have the rank and pay and allowance of a brigadier-general of the Regular Army. I recognize the fact that the chief of constabulary should be a man of high rank in order to carry weight, but we have in great abundance brigadier-generals of the Regular Army, some of them who have never been able to find anything to do outside of Washington and mere clerical duty, and it does seem to me that this bill should be amended so as to provide for the detail of a brigadier-general of the Regular Army for that purpose, if they want an officer of this rank.

I object to the provision as to assistant chiefs because there is absolutely no limit to the number that they may detail. They may take twenty-five or thirty lieutenants over there that have been able to ingratiate themselves with the powers that be—I am not reflecting upon the Commission in that—and appoint them assistant chiefs, and while so acting they shall have the rank and pay and allowances of a colonel in the Regular Army. I am absolutely opposed to that provision. If they want assistant chiefs of a higher rank, we have a great abundance of them, and if we are to have no additional wars in the immediate future, we will be glad to keep some of them in active service in a new position, and to my mind it would do them good. You can provide for the detail from the Regular Army of officers not below the grade of lieutenant-colonel, so there is no expense entailed on the Filipino

government and no harm will come to the Government of the United States, as no additional pay is entailed; and if no one else moves it, I shall, when the proper time comes, move to strike out the first section and insert those provisions.

Mr. HENRY C. SMITH. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. HENRY C. SMITH. I wish to make an inquiry for information. I do not know much about war or military affairs; but, as I see from the report here, there are 6,000 native Filipinos of one character who are now in the Regular Army.

Mr. HULL. About 5,000.

Mr. HENRY C. SMITH. Now, what reason is there why the Commander in Chief of the Army can not under the present law detail any officer he may select?

Mr. JONES of Virginia. He may.

Mr. HULL. Those Filipino scouts are a part of the Regular Army. I do not care to go into that question now, because I do not know that I should have time. They are officered by Regular Army officers, field officers especially; and the captains and lieutenants are taken from the Regular Army or from those who have had long service in the volunteer forces. They are as much a part of the Regular Army as the men enlisted in the gentleman's State or mine, except that the understanding is that they are enlisted for service in the Philippine Islands only, and can not be ordered elsewhere.

Mr. ALEXANDER. How many of those scouts are there?

Mr. HULL. Five thousand, in round numbers. It seems to me that the Congress of the United States for every reason on earth should not put an additional burden upon the Philippine government. That government is running behind financially; it has had misfortunes, and has added to its deficit by reason of cholera, by reason of the great pest that has carried off their draft animals. And from my investigation in the Philippine Islands I do not believe we are going to be let off with one appropriation to help carry on that government. Taking this bill alone, we may say that it amounts to but little; but then there are in that archipelago to-day, as I remember, about 40 civil governments. Is it not fair to presume that they would want at least 40 assistant chiefs, so that each of these governments might have the services of one of these officers?

I do not think they need as many as that. I do not know that they would call for as many; but we can obviate all expense upon that government, which is confessedly to-day knocking at the doors of Congress for relief—confessedly running behind in its revenues as compared with its present expenses—we can obviate all expense to the government there and at the same time obtain just as good administration, if we allow the detail of these officers of the Army of such rank as they desire. In this way the purpose desired can be served as effectually as by taking a single officer of the Army and giving him the high rank proposed by this bill. Our Government has dealt liberally with the Army. We have given the officers high rank, compared with what they have had in the past—beyond the dreams of the men of the Army of six years ago. It is time, in my judgment, to call a halt. Let us keep the rank of the Army substantially at what it now is, instead of continuing to add to it in time of peace.

If we have no brigadier-generals competent to discharge the duties of chief of this organization, the President of the United States has it in his power almost every month in the year to select a man having the ability to command these policemen and to make him a brigadier-general of the line without increased expense.

Mr. COOPER of Wisconsin. Will the gentleman from Iowa yield a moment?

Mr. HULL. Certainly.

Mr. COOPER of Wisconsin. In the absence of a military government over there, and in view of the law of July last, now on the statute book, would the President of the United States have any authority whatever to detail a Regular Army officer to command the police force there?

Mr. HULL. Yes; Captain Allen is detailed; but the gentleman has misapprehended my argument. I suggest that we pass this bill with an amendment providing that a brigadier-general of the Army may be detailed as chief of constabulary; and if there should be no brigadier-general in the Army to-day competent to discharge these duties, it would not be sixty days until the President would have the power, by reason of vacancies, to nominate and appoint as brigadier-general a man of sufficient ability to discharge those duties. I am not antagonizing the proposition to confer this power; I believe it ought to be done. I am only antagonizing the proposition to give the power to appoint to this position a lieutenant or a captain as chief and make him a brigadier-general; and I am taking that position for the reason that we have to-day on the active list of the Army so many brigadier-generals that we can spare one for this duty in a time of peace

without crippling the service in any way whatever. As I have stated, I shall offer that amendment and appeal to the House to adopt it.

Now, one word as to the propriety of appointing to this position a second lieutenant. I do believe that this, as it stands, is a dangerous proposition, and if what the gentleman from Indiana [Mr. CRUMPACKER] has said be true, it is more dangerous than I thought it was. At first I took it for granted that this chief was to act under the command of a Regular Army officer, but if, according to the gentleman's statement, a civilian may be put in as chief or assistant chief, and these men be under his control, to be court-martialed if they do not obey his order, or court-martialed if they do obey, it would be putting the Regular Army and these scouts and officers "between the devil and the deep sea."

It seems to me that an amendment should be made there clearly defining the fact that when these scouts are ordered into service—and I do not care if you say all of them, they ought to be used for preserving the peace of the islands—they are under the command of the chief and assistants only when the chief and assistants are in the field and not sitting in Manila. For instance, I would not be willing to vote for any law that would put an officer of the Regular Army under the command of a police officer, as this would do.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. Who says that?

Mr. HULL. I think the second section says it, and if the gentleman will wait, I will tell him why.

Mr. COOPER of Wisconsin. Will the gentleman from Iowa permit me to suggest this? I can not see how it is possible to put any such construction on the bill. This bill simply provides for the detailing of officers of the Army.

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. Well, the mention of one thing is the exclusion of another.

Mr. HULL. The gentleman misapprehends my argument again, because, I have no doubt, I have not been clear; for I know he is a very good lawyer and understands arguments very thoroughly. Here is an assistant chief with the rank of colonel. He sits in Manila or Iloilo or Cebu at his headquarters. He orders the scouts to report to Dagupan or any other point where they have a constabulary, and report to the inspector of that constabulary for further orders. The officer goes there. He may be a major of the Regular Army, a graduate of West Point, a man who has spent twenty or twenty-five years in the service of his country, and when he reaches there under the direction of this chief he has to take the field for the purpose of arresting the ladrone and preserving the peace and establishing order, protecting life and property, and under this bill as it stands to-day he must obey the orders of that inspector.

Mr. OLMSTED. Will the gentleman permit a question? I think he misunderstands the language of the bill. It says that the scouts may be ordered to assist the Philippine constabulary, and may be placed under the command of officers serving as chief and assistant chiefs and not as civilians.

Mr. HULL. But any of the officers below the chief are civilians.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I would ask for a few moments more.

Mr. JONES of Virginia. I yield the gentleman five minutes more.

Mr. HULL. I do not know that I shall take that much time. The gentleman's contention and my argument do not run opposite to each other. It is true that they are under the officers serving as chief or assistant chiefs. Those chiefs and assistant chiefs, as a rule, can not be in the field in the different places. They issue their orders from headquarters, and while the scouts are executing that order they are under the command of the constabulary officer in the locality or part of the country where they are serving.

If that is not so, and they do not desire that contention to be made against the bill, it is perfectly easy to obviate it by a little amendment providing they shall not, when serving in the field, be under the command of any officer of the constabulary other than chiefs or assistant chiefs of the constabulary—not in that language exactly, but covering that idea; so that it is easy to obviate that. As it is to-day, you might as well legislate for Alaska that whenever the troops are called into action there for the preservation of the peace, they shall be under the command of the chief of police. I do not believe this Government desires any such action as that. I may be mistaken. I know I am not as good a lawyer as the gentleman from Wisconsin [Mr. COOPER], and I am not as good a lawyer as the Secretary of War; but I can not look at it in any other light except that it is putting the Army under the command of peace officers, for these constabulary are

nothing more than peace officers, no matter whether you say they have more to do than they have in this country or not. I shall, when that section is reached under the five-minute rule, if no one else does, offer an amendment to make it clear that these men, the officers of the Regular Army, are not to be superseded in command of their own troops by civilians.

Mr. COOPER of Wisconsin. Will the gentleman permit one question? I call his attention to the last two lines or the last three lines on page 2, section 2, and then ask him to see if it is possible for him to put any such construction upon the bill as he does?

Mr. HULL. Yes; "may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided."

Mr. COOPER of Wisconsin. One moment; "as herein provided," and then the only provision in the act is for officers of the Army.

Mr. HULL. That is right.

Mr. COOPER of Wisconsin. How can a civilian come in under that?

Mr. HULL. I thought I stated that before. The chief sits in his office at Manila and he orders a battalion of Philippine scouts to report. I said before, at Dagupan—and that will answer as well as any other place—to the inspector of police in command of that department, and to obey his orders in preserving the peace or punishing criminals. He is simply under the orders of the chief, as the inspector is under orders, and he places the officer of the Army in such shape that his rank would not give him the command that it ought to on account of his rank. In other words, he supersedes rank, and when the assistant chief ordered him to obey the orders of this inspector, in my judgment, under the terms of this bill, he would be compelled to obey the orders of the inspector, in place of having command of his own troops. It is through the chief that the order is given. Now, I do not believe that is good administration. And it is so easy to make it clear that such a thing as that can not occur, that I shall offer an amendment to correct that part of the bill when we reach it.

I thank the gentleman from Virginia for his courtesy.

Mr. JONES of Virginia. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I listened with much interest to the chairman of the Committee on Insular Affairs [Mr. COOPER of Wisconsin], and to the reasons which he gave for that provision of the bill which permits the detailing of any officer of the Army to fill the place of chief or assistant chief of the Philippine constabulary, and to receive the rank and pay of a brigadier-general or a colonel during the detail.

The gentleman from Wisconsin [Mr. COOPER] laid particular stress upon two things, first, that it was necessary to have a particularly robust and healthy man in this place, because the duties were such that it required a man of much activity; and second, that a man was required who was peculiarly fitted for the work demanded of the head of this force. He then stated that the present occupant of the place possessed these two requirements in a peculiarly eminent manner.

I have in my hand a copy of the hearing before the gentleman's committee, which contains a statement of the record of the gentleman who at present is chief of that police. I do not wish to say anything disparaging of him. I am unacquainted with him, and, perhaps, indeed, in some fields he has had a peculiarly brilliant record, but this testimony certainly creates a suspicion that he is not the robust and energetically healthy man required for this place.

Colonel Edwards, speaking before the gentleman's committee, said of him:

He made a wonderful trip to Alaska, as may be recalled by some members of the committee. He was a pioneer there. His health was impaired by hardships he encountered living on rotten moose meat.

Further on, speaking of a trip he made with General Lawton around the Bay of Santiago during the campaign there, he said that "he nearly died from his experience." If these things qualify that gentleman, in the opinion of the Commission, as being particularly robust and healthy, certainly some of the brigadier-generals can not be so slow and slothful in their movements and their health can not be so much impaired by the peaceful occupations to which they have been assigned during their careers as to unfit them for equal physical fitness.

It is said that peculiar qualifications are required for this place; that its duties are different from those required of the ordinary military man. The duties must be either of a military nature or a police nature or of both kinds combined. There is nothing in the testimony which shows that Captain Allen has ever had any experience in the organization or control of a police force. The gentleman from Wisconsin [Mr. COOPER] says he knows of no brigadier-general as well equipped for this place as Captain Allen. Let me call the gentleman's attention to one, a man whose military ability is not questioned, and who has had practical ex-

perience in the management and handling of the greatest police force in this country, Gen. Fred Grant, a brigadier-general, a man eminent, I take it, in military circles, who served as a member of the police board of the city of New York with the present President of the United States. He has had that peculiar experience required in a man in this position. If anybody in the Army is competent to organize and control a police force I take it that General Grant is the man.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. COOPER of Wisconsin. General Fred Grant was a police commissioner of the city of New York, I believe.

Mr. FITZGERALD. Yes.

Mr. COOPER of Wisconsin. Do you believe there is any similarity between the service rendered by a man who sits in a cushioned chair in one of the blocks of the city of New York as a police commissioner and a man who heads the police force of the Philippines, chasing ladrones, thieves, and murderers through the mountain fastnesses of that archipelago?

Mr. FITZGERALD. The gentleman assumes two things that are not facts. First, he assumes that the commissioner of police in the city of New York sits quietly in a chair. He is the most mistaken man that ever lived in that assumption. Nobody lives a more strenuous life than the police commissioner of the city of New York.

The time of Mr. FITZGERALD having expired, Mr. JONES of Virginia yielded to him two minutes.

Mr. FITZGERALD. In the gentleman's second statement, that the chief of constabulary of the Philippine Islands, with 6,000 men under him, devotes himself to chasing around the country, personally hunting up criminals, he is much mistaken. I fear he knows little of the conditions there himself. It is absurd to think that this man is doing the actual work of hunting criminals. He is a man who commends himself to the Commission, from their statement, by reason of his peculiar executive and administrative ability. If you want sleuths, ordinary detectives, or policemen, you do not want an officer of the Regular Army. It has already been stated that General Funston was a particularly active brigadier-general. The truth of the matter is, that this is a vicious bill. There is a growing tendency to detail men from the Army and Navy to serve in civil positions and to give them pay in addition to that provided by law. This is a good time to stop the practice. The curse of Cuba and the Philippine Islands was that the Government of Spain inflicted rulers and officials upon the people of those islands and compelled them out of their own treasury to pay the officials' salaries and the expenses. Gentlemen, let us stop it! While we are governing these people let us give them some chance. The way to do it is to strike out of this bill the provision that gives additional work and pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Virginia. I yield ten minutes to my colleague on the committee, the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think that with all due deference to all the utterances I have heard in connection with this bill, that the funniest thing about it is the bill itself takes itself seriously, and the advocates of the bill are taking themselves seriously. It is the most magnificent and strenuous piece of opera bouffe that has ever thrown itself athwart the popular horizon since the Mikado appeared. I can see all the natives of the Philippines bowing down, with hands extended and foreheads in the dust, crying "Kickapoo! Kickapoo!" every time the chief of police appears with brigadier-general's epaulets. Why, Mr. Chairman, we were informed here in Washington, with all the gravity of the admiral in Pinafore, that long ago the Philippine Islands had been pacified, with a great big "P"—completely pacified, and all that we needed was a little police service, with another great big "P."

Now they tell us in order to have a proper police the chief of police has to be a brigadier-general, and that all the captains of police have to be colonels. And they tell us that even the Philippine Commission, with its plenipotentiary and imperial powers, can not make a little brigadier-general of their own, an insular brigadier—a brigadier appurtenant. They say that we have got to tie him to the Regular Army of the United States as a "continental brigadier."

Mr. Chairman, the bill is just a part of the general scheme of legislating into existence new positions and places of emolument, thus giving ties of private interest more and more for the purpose of tying more and more men to the permanent occupancy of the Philippine Islands by ties of private interest. The more fellows you get to fill positions of rank and emolument out in the Philippines, with influence outside of the Philippines, the less chance there is in favor of a reconsideration upon the part of the American people of the foolish and un-American position they have taken there, a position which has threatened the existence of the Monroe

doctrine, that has demanded either an explanation or an amendment, I do not know exactly which, of that old time-honored doctrine at the hands of the President for the reconsideration of the other powers of the world.

Mr. Chairman, the thing would be ridiculous if it were not happening in the Congress of the United States and were not recommended "officially" by a very high character of people, with magnificent intelligence and good patriotism upon other questions. Do we need an army to make war in the Philippine Islands or do we not? If we do, then we want an army with a brigadier-general. Are the Philippine Islands pacified, and is all we need a police power? In that case all we want is a chief of police and a lot of good captains and good privates of police in the various islands. Are we struggling only against ladrones, thieves, and bandits? Then, all we want is the civil arm and its police power. If we are at war, we want an army; and if we want an army, we want it right, with a regular brigadier-general, not an opera bouffe gendarme fellow. The gentleman from Wisconsin has told us that what we needed was some one who was "young, efficient, and experienced" as the chief of police, and the gentleman from New York has suggested the name of Gen. Fred Grant, because he is already a brigadier-general and has already been a chief of police. Then my friend from Wisconsin responds by asking a question as to whether the gentleman from New York finds any analogy between the duties of a chief of police in New York City and in the Philippine Islands. Why, he has himself, his party, and the newspapers on the side of his party have already found the analogy, and it was not left for my friend from New York to seek.

They have told us, not once but many times, that we have "pacified" these people over there; that they love us; that they are desirous of our rule. They are the exception to the general rule of all history that no people seek slavery; that they, on the contrary, are seeking military, water-cure liberty—canned liberty—shot into them by a Krag-Jorgensen rifle as a particular Christmas gift from the American people; that we have gone there on a mission from the All High, put there by Him and not by ourselves, and that we are there so that we can not even get out without a special dispensation from God; that we have earned the gratitude of these people and they are completely "pacified," and all we want is "police," and now in this bill they tell us we want an army of police, with epaulets and high salaries and a sort of "Kickapoo" authority, so that the natives may be impressed by them whenever they come out on gala days with the brass bands and all the balance of the accompaniment of imperial sway. [Laughter.]

If this thing were once dramatized and put upon the boards it would go further than anything that has ever taken place in the so-called Rudyard Kipling "strenuous life" of the Anglo-Saxon to render the race laughable than anything I have ever read about. [Laughter and applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to call the attention of the committee to the fact that there is no minority report against this bill. The motion to report it was made by the gentleman from Tennessee, who has advocated its passage here to-day.

I have rarely known, since I have been a member of the House, a more complete misapprehension of the facts nor a more unjust intimation of wrongful motives than I have listened to in this debate.

The idea that such men as Governor Taft and his associates upon the Philippine Commission, and Vice-Governor Wright, who was here and testified before our committee, and Secretary of War Root, and General Corbin, and General Young, and Colonel Edwards would advocate a plan by which the Philippine Commission would appoint two, three, or four hundred colonels, and bankrupt the treasury of those islands! The mere statement of the proposition is enough to show its absolute unfairness.

A moment ago the gentleman from Mississippi said that although we have been often told that there is peace in the Philippines, yet to-day we are demanding epauleted officers at the head of the insular police force now trying to suppress the insurrection still continuing. How unfair that is! There is peace in the islands; the soldiers have surrendered and given up their guns; yet there still remains something of disorder, and no gentleman ought to know better than the gentleman from Mississippi what that disorder is. It is neither insurrection nor rebellion. It is not war. It is ladronism, robbery, murder, brigandage, which has existed there for three hundred years. It comes to us as a part of the inheritance which we received from Spain through the treaty of Paris. The insular government is suppressing it by a constabulary force of native Filipinos. Gentlemen upon the other side, and some gentlemen upon this side, are misled because it has been called a police force. Mention is made of Gen. Fred. Grant as having been one of the police commissioners of the city of New York, and as such discharging a duty

akin to that now being performed by the man at the head of the constabulary in the Philippine Islands. Look at the difference.

In New York City they have an ample police force, telephones, telegraphs, street cars, at night brilliantly lighted streets, everywhere abundant means of communication. The Philippines are an archipelago, the land area of which is as large as New York, New Jersey, Rhode Island, Massachusetts, New Hampshire, and Vermont combined, without a decent road in it, with very few telegraphs or telephones, with thousands of acres of forests and of mountain fastnesses infested by professional blackmailers, robbers, and murderers, who live after the manner of mediæval brigands. Is it to be pretended that a police commissioner of the city of New York renders any service as such to fit him to be the chief of the constabulary force of that archipelago?

Mr. FITZGERALD. Does the gentleman from Wisconsin think that General Grant is less competent than Captain Allen?

Mr. COOPER of Wisconsin. I am not here to make comparisons. They are always odious, in the language of an old proverb, which the gentleman from New York will do well to remember before he puts a question of that kind.

I will say, however, that General Wright testified that the Commission had looked over all of the names of officers submitted to them by General Chaffee and could find none of them who was so perfectly fitted for this place as is Captain Allen.

Mr. HULL. I would like to ask the gentleman if the names of any of the brigadier-generals were submitted to them.

Mr. COOPER of Wisconsin. I do not know. General Chaffee submitted the names of those whom he considered to be the best men for this duty, and the commission selected Captain Allen.

The gentleman from New York did what I have occasionally seen a lawyer in a justice's court do—read a part of the evidence and omit that portion which bore against him. He read down to the "moose meat" episode in the career of Captain Allen, including the statement that his health had been impaired as a result of his duties and hardships in Alaska.

His record with troops—

And this the gentleman omitted, of course not with any purpose sinister or otherwise [laughter]—

His record with troops has been excellent wherever he served. He served as military attaché in Berlin and Russia, and made a special report on the Swedish army, I think—anyhow, on the military conditions of Sweden—and at the outbreak of the Spanish war he requested relief in order to come away from Berlin. He had to use the efforts of his friends to get relieved. When he got over here he went to Tampa and saw by the papers that there was a commission of major of volunteers given to him. He did not open the letter, but jumped aboard the transport and went over with the only cavalry to Cuba.

He commanded one troop throughout the Santiago campaign, and went with General Lawton around the Bay of Santiago and made that juncture with Garcia's forces. He nearly died from his experience there. He came back here and was, as I recollect, sent abroad again. When he found that new volunteers were being raised for the Philippine insurrection, he got a commission there and rendered distinguished service in the Philippines. He pacified the province of Leyte and has shown unusual qualifications since. He is a linguist, a man of excellent address, which is so necessary in impressing the natives, and, as I understand, he has been the right bower to the Philippine Commission in establishing their secret service, differentiating between the friend and foe.

Mr. FITZGERALD. The gentleman does not mean to do me injustice—

Mr. COOPER of Wisconsin. No; certainly not.

Mr. FITZGERALD. I was speaking of this officer's physical ability to fill the position; and I ask the gentleman from Wisconsin whether I omitted to read anything that had any bearing upon his physical ability or his health.

Mr. COOPER of Wisconsin. The gentleman spoke of his health being impaired on account of his living on rotten moose meat; and the inference would naturally be that his health is still impaired, because, in the law, when a fact is shown to exist, the presumption is that it continues to exist until the contrary is established.

Mr. OLMSTED. Will the gentleman from Wisconsin allow me to read one statement which the gentleman from New York omitted?

I have never seen a man who exceeded him in capacity for work.

That is from the statement of Governor Wright, which the gentleman read.

Mr. COOPER of Wisconsin. I presume the gentleman forgot to read that.

Mr. FITZGERALD. I read Colonel Edwards's statement, and I read everything affecting the health of this man.

Mr. COOPER of Wisconsin. Not only is this man to command 6,000 men, but if scouts are to be detailed to unite with the constabulary, then he is to have 11,000 native Filipinos under his command. He is to put down and exterminate these ladrones who have been for three hundred years murdering and robbing those people. But, in addition to that, listen to what Governor Wright says:

Governor WRIGHT. In the first place, it is rather an anomalous state of things for a captain to be commanding a body of 6,000 men. It is hardly just

to him to impose that responsibility upon him, but aside from that, in order to give him proper weight in dealing with the subjects which properly come under his command, he ought to have a rank commensurate with his duties and responsibilities. The chief of the constabulary has, among his duties, charge of the section of information. He is really the political agent of the insular government. He keeps in touch with everything that is going on in the islands aside from commanding this large body of men. The Commission has been compelled to establish a civil commissary.

The Army commissary being no longer available, under orders issued by the Secretary of War more than a year ago, in order to provide suitable food for its several employees scattered throughout the islands who had no access to the markets and were unable to obtain such food as they were accustomed to, it became necessary to provide them proper subsistence. The chief of constabulary assumed that duty and has organized and is conducting that subsistence department. The Signal Corps of the Army has heretofore carried on the telegraphic system of the islands. The military authorities have been anxious to relieve themselves of that duty and burden. The civil government of the islands is under obligations to take over the telegraphic service as fast as it can find suitable operators, its purpose being to educate the natives as operators, and now it has a telegraphic school in Manila engaged in that work. The chief of the constabulary has assumed that duty and is now organizing a telegraphic and telephonic system covering the archipelago. I mention these things to show the extent of the duties of the chief and their nature, and I think it obvious from what I have already said, without further elaboration, that he fills a very onerous position, one that involves a great amount of work, and very responsible and delicate work.

But the gentleman from Iowa objects to the appointment of a captain and wants a brigadier-general appointed. The Commission could not find a civilian whom they wanted to undertake this arduous duty. General Chaffee submitted to them the names of six or more officers whom he, as a trained expert, familiar with all the circumstances, thought might be competent to perform it, and the Commission united on Captain Allen. The Commission do not wish to be limited to brigadier-generals nor even to major-generals. They wish to have the power to select, as Governor Wright says, the best man, no matter who he may be. To-day they are bound to select Army officers, because they are the men best fitted for this duty, by reason of their military training. The objection raised by the gentleman from Iowa to this bill is untenable, because the bill does not provide for the appointment of any civil officer, a man who is now a civil officer, to take that place. It says, "officers of the Army of the United States"—

Mr. HULL. If the gentleman will permit, I corrected the gentleman from Indiana [Mr. CRUMPACKER] when he made that statement, and said that I did not believe under the bill that it dealt with civilians at all.

Mr. COOPER of Wisconsin. Who made that statement?

Mr. HULL. The gentleman from Indiana.

Mr. COOPER of Wisconsin. If he did make the statement, I think he is entirely under misapprehension. I call the attention of the committee to the language of the bill.

Officers of the Army of the United States may be detailed for service as chiefs and assistant chiefs of the Philippine constabulary.

We asked Governor Wright if some man in civil life there could not be detailed and the governor said yes, but that they did not know where to find any civilian who was competent.

Mr. GAINES of Tennessee. Will my friend please tell me who controls this Captain Allen—whether he is under civil or the military authorities?

Mr. COOPER of Wisconsin. When he is detailed he will be under the control of the Philippine Commission, I suppose, if he is detailed under this bill.

Mr. GAINES of Tennessee. Has he not been under the control of the Philippine Commission during its existence?

Mr. COOPER of Wisconsin. But the attorney-general over there, or the man who is the legal adviser, has raised this point, that a man in the employ of the United States Government and receiving a salary can not have that salary increased by the Commission; at least they have refused to pay any additional compensation to Captain Allen. The Commission desired to give him a larger salary, but could not do it because of the legal objection which was raised.

Mr. GAINES of Tennessee. And I want to state to my friend that I think that officer is right in his opinion, and furthermore I say that that officer is a full-fledged Filipino.

Mr. COOPER of Wisconsin. Yes. That is the legal opinion which stands in the way of the Commission itself giving him the money which they think his services entitle him to; and, therefore, we come here, together with the Secretary of War, General Young, General Corbin, the Philippine Commission, and Colonel Edwards, and ask for the enactment of this bill into law. These men say that instead of its proving a burden upon the treasury of the islands it will, in the end, lessen the burden. Right here I wish to call attention to the argument made by the gentleman from Iowa [Mr. HULL] about the island treasury running behind. The treasury runs behind largely because of the decline in the value of silver. It has declined since we passed the civil-government law last spring 30 per cent, and netted a loss to the insular treasury of approximately \$1,000,000 in gold. The House did its duty and passed a gold-standard bill—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I ask that the gentleman's time be extended such time as he may desire.

The CHAIRMAN. The time of the gentleman has been fixed by the House and it can not be extended by the committee. There are seven minutes still remaining on the other side.

Mr. JONES of Virginia. Does the gentleman from Illinois desire to occupy time?

Mr. CANNON. No; but the chairman of the Committee on Insular Affairs desired a little more time. I understand that presently we will be under the five-minute rule, when by consent we may have a half hour or an hour.

Mr. JONES of Virginia. I think that would be satisfactory.

The CHAIRMAN. The time could be extended by the committee when we take the measure up under the five-minute rule.

Mr. CANNON. When does the general debate close?

The CHAIRMAN. It closes at the end of two hours.

Mr. CANNON. Has the two hours elapsed?

The CHAIRMAN. There are seven minutes yet remaining on the other side.

Mr. JONES of Virginia. Mr. Chairman, I did not expect to occupy the seven minutes, because I recognized the fact that the chairman of the committee would close the debate.

Mr. CANNON. Then the gentleman yields to the chairman of the committee his seven minutes?

Mr. JONES of Virginia. If the gentleman particularly desires it, I yield him that time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for seven minutes.

Mr. COOPER of Wisconsin. I am greatly obliged to the gentleman from Virginia and to the gentleman from Illinois. Mr. Chairman, in his testimony before our committee Governor Wright said:

The bill is intended to be general and permanent in its application, and is not in the special interest of anyone.

A little later Mr. JONES of Virginia said:

If one of the lieutenant-colonels whose name has been furnished, or a brigadier-general, were assigned to this duty, there would be no necessity for the passage of this act?

Governor WRIGHT. I think even then it would be a desirable act. I think that the officer ought to have the rank, in view of all the responsibilities of the position. I think it gives him more weight and force with the masses of the people and among the Army with whom he has to associate, and all that.

Later he added:

We would endeavor to secure the very best men we could find. The officers who have become brigadier-generals are generally elderly men, who would not care for that sort of work. It is a kind of duty which requires a very alert, driving man, in the full vigor of manhood, and I think you can best get him out of the captains and majors, to be frank about it, and that is what we want.

Mr. Chairman, I desire to call the attention of the committee to the difference between the constabulary and the Filipino scouts mentioned in the bill. The Filipino scouts belong to the Regular Army. They are all native Filipinos, under the absolute, exclusive control of Regular Army officers.

The constabulary likewise are native Filipinos, but they have to do what we call police duty, and therefore are under the control of the Commission. Although called constabulary and doing police duty, nevertheless they are subject also to be drawn upon for the general defense of the archipelago, to do military duty in fact, and are frequently engaged in serious conflict. They go out and kill and are killed.

Now, it is the desire of the Government to withdraw our troops from the islands just as rapidly as possible. It is the belief of the Commission and of the War Department that the small number of troops now over there can be very much lessened if we can pass this law, so as to enable the constabulary and the native scouts to be brought together as one force, to be mobilized quickly without any sort of delay, under the control of a Regular Army officer.

And I call the attention of gentlemen upon the other side to the motive that lies behind this bill. It is not a desire to grab salaries, as has been unjustly intimated here. It is not a desire to exercise favoritism toward anybody. It is a desire simply to do what is the best for the people of the Philippine Islands and for the Philippine treasury.

Governor Wright and the officers of the Regular Army say that under this bill these 5,000 native scouts may be put to garrisoning the villages and towns. Then General Allen with his assistants may take the 6,000 constabulary familiar with the country and make a determined, persistent war upon the ladrones and exterminate them. The authorities say that in no other way can this extermination be accomplished.

Under the law as it stands to-day, if these scouts were asked for, the department commander would send to the district commander, and the district commander would send to the post commander, and the post commander would detail a certain number of scouts to assist the constabulary; but he would probably send a lieutenant in command, as they are officered largely by lieutenants.

The man in control of the scouts would represent the Government of the United States, while the officer in control of the constabulary represents the Philippine government, and there would be a conflict of authority.

But under this bill, with all of these soldiers susceptible of being quickly mobilized under the control of the constabulary chief, a brigadier-general, an officer of the Regular Army, there will be no conflict of authority. These scouts may do duty in the villages and towns, while the constabulary go into the mountains and woods and exterminate the ladrones. That is the purpose of the bill.

The CHAIRMAN. The time of the gentleman has expired. The time for general debate has expired, and the Clerk will read the bill.

Mr. GAINES of Tennessee. One moment. I want to ask the gentleman how many soldiers we have over there now?

Mr. COOPER of Wisconsin. The last I heard we had 18,000.

Mr. GROSVENOR. How many?

Mr. COOPER of Wisconsin. Eighteen thousand.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That officers of the Army of the United States may be detailed for service as chief and assistant chiefs of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier-general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: Provided, That the difference between the pay and allowances of brigadier-general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.

Mr. JONES of Virginia. Mr. Chairman, I desire to offer an amendment. After the words "assistant chiefs," in line 4, insert the words "but the said assistant chiefs not to exceed in number four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, after the word "chiefs," insert "said assistant chiefs not to exceed in number four."

Mr. JONES of Virginia. Mr. Chairman, it has been stated, and I believe it to be a fact, that the law enacted by the Philippine Commission provides that these assistant chiefs shall not exceed four in number. I realize, too, that it would be entirely possible for the Commission to so amend that law at any time as to increase the number to 400 if they desired to do so. If four assistant chiefs, who may be either civilians or second lieutenants as the law now stands, are sufficient, four ought to be sufficient when their rank and dignity has been increased by making colonels of them, and therefore I have offered the amendment limiting the number to what it now is. I understand that the purpose and object of this bill is to increase the rank of the chief and assistant chiefs in order to give them more power and authority; and if given this additional rank, what objection can there be to so limiting the number that the Philippine Commission may not increase it at will? This is the object of my amendment. I believe there are only two assistant chiefs now in active service. I may be mistaken as to that.

Mr. COOPER of Wisconsin. There are three now in active service.

Mr. JONES of Virginia. There is then one vacancy, and the law only permits the appointment of four.

Mr. COOPER of Wisconsin. I will say that vacancy is not a permanent vacancy, but is one which is to be filled.

Mr. JONES of Virginia. I understand. As the law now stands only four assistant chiefs can be detailed from the Army, and, as a matter of fact, there are only three at this time. If my amendment is adopted, and I think it should be, the number never can exceed four, which is the present maximum.

The CHAIRMAN. The question is on the amendment.

Mr. CANNON. I want to ask the gentleman from Virginia or the gentleman from Wisconsin a question, or both of them. I want to say that I was not present in the committee when this bill was considered, and I happened to be out of the committee while the discussion was going on, and I want to see if I understand it. Now, it is necessary to have somebody of the grade of a brigadier-general, or at least to have him detailed from the Army to the Philippines for this service, according to the statement of the gentleman.

Mr. JONES of Virginia. That is the theory of the bill.

Mr. CANNON. That is the theory of the bill; and it seems from the statement of the gentleman from Wisconsin right and proper and fairly necessary. Now, this bill is to give the difference between the pay of a brigadier-general payable from the Philippine treasury, to give him that difference during the time that the officer is on detail.

Mr. JONES of Virginia. Or, if the Commission should ask for the detail of an officer of the grade of second lieutenant as chief, it

would give him the difference of pay between that of a second lieutenant and that of a brigadier-general.

Mr. CANNON. Give him the difference in pay between second lieutenant and colonel.

Mr. JONES of Virginia. The difference in pay between that of a second lieutenant and that of a brigadier-general, if he was made chief.

Mr. CANNON. This follows the precedents which there are in this country, if the gentleman from Wisconsin is right. You take, for instance, the engineer officer of the District of Columbia. He gets the difference in pay between his rank and that of colonel.

Mr. HULL. The difference between his rank and that of the other Commissioners.

Mr. CANNON. Oh, yes; the difference in pay between his rank and that of the other Commissioners. I must confess—

Mr. JONES of Virginia. The purpose of my amendment is to so provide that if we pass this bill it shall not be in the power of the Commission or anybody else to appoint one, two, three, or four hundred of these assistant chiefs, as could be done if my amendment is rejected.

Mr. CANNON. Now, the gentleman is on the committee, and I presume that he was present at the hearings.

Mr. JONES of Virginia. I was present at only one of the hearings.

Mr. CANNON. I will ask the gentleman if the bill meets his approval if the amendment is made?

Mr. JONES of Virginia. I will say to the gentleman that it would much more nearly meet my approval. I could not support the bill even were my amendment adopted.

Mr. CANNON. I must confess that if Governor Wright is right—I believe that is the name—

Mr. JONES of Virginia. Vice-governor.

Mr. CANNON. As I got his statement in the remarks of the gentleman from Wisconsin, it seems that he abundantly makes the case for a competent officer upon this detail of the grade of captain or major to receive the increased compensation. I do not believe that the power to appoint ought to be abused, and I am quite content, if they have but three or four there now, to limit it as to number; but when you throw these duties, maybe without end, and with responsibilities upon one who happens to be an officer of the Army, and who has demonstrated his equipment for the work, it seems to me there is much stronger reason to give him the difference in pay than there is to pursue that course in the United States where officers of the Army are detailed to civil positions, as in the case of the Engineer Commissioner of the District of Columbia. If that is the object of this bill, it seems to me it is wise in its recommendations.

Mr. JONES of Virginia. I understand the gentleman from Illinois to say that he thinks it would be wise to limit the number.

Mr. CANNON. I am quite content. I would not want to see two hundred nor would I want to see twenty, even. I understand they have four now.

Mr. JONES of Virginia. They are permitted to have four, but they have at the present only three.

Mr. CANNON. I would prefer the limitation, I will say to my friend.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Virginia whether it is his intention to limit simply the number of officers who may be detailed, or to limit absolutely the number of chiefs?

Mr. JONES of Virginia. My purpose is to limit the number of officers. That is what, I think, would be the effect of my amendment.

Mr. OLMSTED. I thought that was the gentleman's contention, and I would suggest that he so amend his amendment as to make it clear that that is the intention, so as to provide that not more than four officers shall be detailed as assistant chiefs.

Mr. JONES of Virginia. I think, Mr. Chairman, the Commission should not have the power to appoint civilians as assistant chiefs and to give to them the rank of colonel in the Army.

Mr. HULL. I think the bill has nothing to do with civilians; it only deals with officers.

Mr. JONES of Virginia. That is my idea, and therefore the amendment is drawn in the way it is. I think the bill deals only with military officers.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 16066. An act to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900; and

H. R. 179. An act to amend the internal-revenue laws.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901.

PHILIPPINE CONSTABULARY BILL.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to have the amendment read.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment if this is the proper time for it to come in.

The Clerk read as follows:

Strike out all after enacting clause in section 1 and insert: "That one brigadier-general of the Regular Army of the United States may be detailed as chief of the Philippine constabulary, and assistant chiefs of constabulary may be detailed from officers of the Regular Army not below the grade of lieutenant-colonel."

Mr. HULL. Mr. Chairman, just a word in regard to this amendment. I recognize the fact that they ought to have there an officer of a higher rank than captain, but it seems to me that the Army, as organized to-day, has brigadier-generals, able, ripe in experience, and many of them being younger men than the present chief. I do not, in this amendment, propose to be put in the position of criticising Captain Allen in any way. He has been a deserving and gallant officer; but it does seem to me that when we are legislating for the appointment of a high rank in the Philippines that we have an abundance of high ranking officers in our country to fill that position. There is no use in ignoring the brigadier-generals and the colonels in our Army and creating this high rank out of a subordinate officer of the Army. Instead of putting upon the Philippine government the expense of paying the difference, we ought to avoid that by giving them the opportunity to select an officer from the Regular Army.

Mr. CANNON. If my friend will allow me, take Captain Allen, the present incumbent, who is a captain. Now, then, he is in the performance, as I understand it, of his duty.

Mr. HULL. Yes.

Mr. CANNON. He can not be continued if the gentleman's provision should prevail. After all, I suppose the average age of a brigadier-general in the Army is what—55 or 60?

Mr. HULL. We have several under the age of 50, and some are put in for the mere purpose of retiring, so the average age is not a fair statement.

Mr. CANNON. Well, it takes a man who graduates at West Point until he is 55 or 60 before he can be a brigadier-general by promotion.

Mr. HULL. I do not know how it will be hereafter, but we have brigadier-generals—four of them—that are now under 50 years of age.

Mr. CANNON. After all that is said and done in this service I will ask if it is not the man we want, and if he is young, virile, and vigorous, and ambitious, if he happens to be a captain or a major, he is the very man for the service. Why should we say that that virile man should be displaced? Why should we place it out of the power of the Government to utilize the services of such a man that we may perhaps protect a brigadier-general? The brigadier-generals may be competent for this particular duty, and they may not be as competent as many thousands of other people. What we want is the services of the most capable men.

Mr. HULL. If I believed that we had no brigadier-generals competent to discharge these duties I would not have offered this amendment. The gentleman from Wisconsin stated that the man was selected out of a list of names submitted by General Chaffee. I want to make a prediction that the list submitted by General Chaffee did not contain an officer above the rank of major to select from.

Mr. JONES of Virginia. That is true; the report shows it.

Mr. HULL. Not one above the rank of major. General Funston is a younger man than Captain Allen.

Mr. JONES of Virginia. And General Wood.

Mr. HULL. And General Carter, late of the Adjutant-General's Office. When you say that that class of men can not perform this duty, you are, in my judgment, casting a reflection upon them.

Mr. CANNON. Will the gentleman allow me to say a word just at this point?

Mr. HULL. Certainly.

Mr. CANNON. Is it the rule that the brigadier-generals have

shown the same efficiency in service as the few younger officers that you mention, who won their spurs long before they were brigadier-generals, by actual service—not by virtue of wearing epaulets?

Mr. HULL. Every man whom I have mentioned won his spurs in our recent war, as I understand it, by efficient service, by his superior abilities, and superior soldierly qualities. That is the only excuse for making them brigadier-generals. If not superior ability, what was it?

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. HULL. Certainly.

Mr. GROSVENOR. If we have but one man left in the United States, including the Territories—where the Constitution does not go of its own motion—capable of being the chief of police out there, has not the President of the United States the power now to appoint that man brigadier-general?

Mr. HULL. Certainly. I spoke of that.

Mr. GROSVENOR. If he is the only man fitted for the position, would it not be just as well instead of creating this assimilated rank which has always given so much trouble in the Army organization to simply appoint Captain Allen and allow it to be understood that the President has decided that there is nobody else capable of running a police force over there in those islands?

Mr. HULL. In reply to that suggestion, let me say that in my argument during the general debate on this bill I stated that hardly a month passes when the President of the United States does not appoint a brigadier-general, and if there is but this one man competent for that office, then, as suggested by the gentleman from Ohio, it need not be sixty days before the President may recognize his great ability and make him a brigadier-general without increasing the number of brigadier-generals in the Army of the United States.

Mr. BINGHAM. How large is this constabulary force?

Mr. HULL. Six thousand, as I understand. I think this officer ought to be a brigadier-general. If my amendment should not prevail, I should say that the first section of the bill ought to be adopted. The second section is a different proposition.

But it does seem to me that at this time, when we know we are going to be called upon to vote at least \$3,000,000 to aid the people of those islands—and we ought to vote relief to them in their present condition—we ought not, without some very grave reason, to saddle any additional expenses upon the people of those islands. If I believed that they would not be as well served under my proposition, if I believed that the chief selected would not be as efficient—and I certainly can say that without reflecting upon a gallant officer now serving there—if I believed that this new chief would not be as efficient and would not render as good service as would be rendered under the provisions of the bill, I would not be in favor of the amendment.

But I am not willing to concede that with the young men now wearing the star, gained by active service in the field—young men who have shown their ability to command, their ability to stamp out lawlessness in the Philippine Islands, as several of our brigadier-generals have done who are younger than this man (to answer the suggestion of my friend from Illinois that these men may not be competent)—I should be in favor of selecting at the next vacancy some man for brigadier-general who is competent to do this work. It is military in its character. The gentleman has correctly so stated. It is not like ordinary police work. It extends over a great scope of country. It requires executive ability. But it seems to me that the man who has won a star by his service in the field has the superior ability to command this force.

Mr. Chairman, if this proposition does not prevail, then it seems to me that in justice to the Filipinos we ought at least to strike out this proviso and let the Government pay the difference directly, and not "beat around the bush" by a sort of pretense that they are paying it, and then reimbursing them by general appropriations for their support.

The CHAIRMAN. The Chair will call the attention of the committee to the fact that the amendment of the gentleman from Iowa [Mr. HULL] is in the nature of a substitute for the section, and the section should be perfected before the proposed substitute is voted upon. Are there further amendments offered to this section?

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment, to strike out the word "Philippines" in the thirteenth line, and after the word "treasury" add the words "of the United States," and on that amendment I desire to be heard.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk reported the amendment.

Mr. HULL. Mr. Chairman, if the gentleman will yield, I would ask him if he would not accomplish the same thing by striking out the whole proviso?

Mr. GAINES of Tennessee. I make no objection to that.

Mr. HULL. If the gentleman strikes out the whole proviso, then the Government does pay.

Mr. GAINES of Tennessee. Yes. Well, Mr. Chairman, my amendment for the present is as I have stated.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. GAINES of Tennessee. Mr. Chairman, I have the utmost confidence in the personal and official integrity of Governor Taft and Vice-Governor Wright. I know both of them personally. If Gen. Luke Wright would tell me that such and such a thing is a fact of his personal knowledge, I would make no further investigation. He stands just that high as a citizen of Tennessee and as a lawyer. Numbers know him as well as I, no doubt, as vice-governor and commissioner. He stated to me in the Philippines—long before this bill was dreamed of, I take it—that this man, Captain Allen, who at this time had called on him at his house in Manila while I was General Wright's guest, was one of the most efficient officers that they had had connected with the Commission at any time. He left me under the impression, if he did not inform me, that Allen was the man above anyone that they relied on to execute, I believe, the civil processes. If not, he was possibly at the head of the police department then. At all events, he was a peace officer of high rank and was cooperating with the Commission.

Now, who is this man Allen? You may call him captain or brigadier-general or colonel. Titles make no man, Mr. Chairman. When Funston and Young and Grant and the balance of these gentlemen who have been spoken of so highly by the distinguished gentleman from Iowa [Mr. HULL] and other gentlemen, had done their shooting and their fighting in the Philippine Islands, they then returned to the bosom of their families, to their homes and firesides, while Allen has remained in the jungles and about Manila facing disease and famine, and amidst the terrible struggles of that commission, at his post of duty, doing his whole duty. He seems to me above all others to have won his spurs, not by fighting and then, Mr. Chairman, returning to his home in this country, but by staying there and helping these commissioners, staying there and facing the horrible diseases and the terrible distress of that community.

You may talk to me about General Carter—a gentleman whom I admire—or anyone else. It is not officers but individuals needed there. It is the man who has faced disease, as Luke Wright did when he had yellow fever in Memphis, for he stayed there and was a victim of that disease but recovered. He knows what it is. He knows what it is to find a man as—who is every inch a man—he has in this man Allen and to stand by him, as it seems to me he has done in this case. I have not talked with General Wright; I have not seen him for more than a year. I have called to see him in the city, but unfortunately he was out. I have not read the hearings, heard only the debate to-day and read this report, but I feel, as was well suggested by the gentleman from Illinois [Mr. CANNON], that it is not "officers" we need now, it is a certain man that we want over there to take charge of the premises, and that man it seems is Captain Allen.

Now, Mr. Chairman, so much for that. I do not know whether General Wright and Governor Taft agree to this proviso or not. If they do, I do not. I do not agree that we should take an American officer and pay him out of the treasury of the Philippine Islands, paying him a double salary at that. Captain Allen has done this work. He has done it when we had war, when we had the Samar trouble. He was at work while I was there, yet he did it with the salary he is now receiving, and certainly if he can work for that salary in time of war he should not have a higher salary now in "peace," and particularly when that salary has to be paid out of a bankrupt treasury from the hard-earned revenues and tax money, internal and otherwise, paid by this unfortunate people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin rose.

Mr. GAINES of Tennessee. Mr. Chairman, I would ask permission to amend my amendment and move to strike out the whole proviso.

The CHAIRMAN. If there is no objection, the amendment will be considered as so amended and the Clerk will report the substitute.

The Clerk read as follows:

Strike out all of the proviso in section 1.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Chairman, right at the outset I want to dispose of this apparent anxiety over the condition of the insular treasury. It is entirely temporary, and is due in large part to the depreciation in silver. Since the Philippine civil government act was passed, last summer, silver has declined in value 30 per cent or more, and, as I said a moment ago, has

netted a loss to that treasury of approximately \$1,000,000. But Governor Wright tells us, and Governor Taft in his letters tells us, that this condition is temporary; that just as soon as the monetary condition is righted by the establishment of the gold standard, and as soon as the most unusual conditions which now obtain there—and which seem inevitably to follow in the wake of war—have disappeared, the normal conditions of a prosperous and overflowing treasury will return to the Philippine Islands.

Mr. GAINES of Tennessee. Will my friend yield just for a moment?

Mr. COOPER of Wisconsin. Yes.

Mr. GAINES of Tennessee. The gentleman says we lost a million dollars, and therefore have a deficit in the treasury; in other words, no money. Now, the President has called for \$3,000,000 to take the place of that \$1,000,000. It looks to me as though the President is anticipating that there is going to be trouble in the treasury for a long time.

Mr. COOPER of Wisconsin. Any gentleman with a vivid imagination can scare up a spook with which to frighten himself, especially if he wishes to do it for partisan purposes. There is no trouble about that. Now, the three-million-dollar appropriation act will be passed, if passed at all, with a clause in it requiring the Philippine treasury to reimburse the Treasury of the United States, and the Philippine treasury under normal conditions will be abundantly able to make the reimbursement.

Mr. GAINES of Tennessee. When is the condition of things there going to be normal?

Mr. COOPER of Wisconsin. Well, I can reply only by saying "in due time."

Mr. GAINES of Tennessee. What is going to bring about this normal condition?

Mr. COOPER of Wisconsin. It can not come if we are to have needless delays in enacting necessary legislation.

Mr. GAINES of Tennessee. That sounds very well, but you know that they have cholera, and yellow fever, and the plague, and everything that a country ought not to have that must be removed before things can become "normal."

Mr. COOPER of Wisconsin. Those things are not much worse than some other things with which I am acquainted.

Now, Mr. Chairman, yellow fever, rinderpest, and cholera have nothing to do with this bill nor with the necessity for its enactment into law.

I want to remind gentlemen who dilate upon the condition of the Philippine treasury that there is no man more solicitous than are Governor Wright and Governor Taft to secure and maintain its solvency. No one is more patriotic than is either of those distinguished men, both of whom desire that this bill be enacted into law, and that this charge be placed upon the island funds. Who knows more than they do about the financial condition of the insular government?

The time of Mr. COOPER of Wisconsin having expired, by unanimous consent it was extended five minutes.

Mr. COOPER of Wisconsin. The question asked by the gentleman from Ohio [Mr. GROSVENOR], as to whether there is "only one man" competent to be chief of the Philippine police, contains an implied argument and a quite effective one, because it tends to put the advocates of the bill in the attitude of belittling the ability of the brigadier-generals of the United States Army. But it was not an entirely fair question. It does not embody the whole truth. There is more in the purpose of the bill than is implied in that question, vastly more. Is it to be supposed that Governor Wright comes here because he and his associates want to appoint a captain to a brigadier-generalship, to the disgrace or humiliation of any officer of the Regular Army? Who believes that Wright or Root or Young or Corbin or Edwards wants to do that? The mere statement of the proposition carries its own refutation.

But aside from that, as suggested by the gentleman from Illinois [Mr. CANNON], the peculiar qualifications required of the head of that force make it necessary that this Commission shall have the power to appoint a brigadier-general, if it wishes to, but that it shall not be bound to appoint a brigadier-general and nobody else to take charge of this exceedingly responsible and oftentimes dangerous duty.

Let me again call attention, as other gentlemen have come in since I read it before, to what Governor Wright says concerning the duties of the chief of constabulary:

Governor WRIGHT. In the first place, it is rather an anomalous state of things for a captain to be commanding a body of 6,000 men. It is hardly just to him to impose that responsibility upon him, but aside from that, in order to give him proper weight in dealing with the subjects which properly come under his command, he ought to have a rank commensurate with his duties and responsibilities. The chief of the constabulary has, among his duties, charge of the section of information. He is really the political agent of the insular government.

He says that the chief is the confidential man of the administration over there.

Mr. FITZGERALD. I rise to a point of order. I ask what amendment is pending now?

The CHAIRMAN. The amendment offered by the gentleman from Tennessee, to strike out the proviso.

Mr. FITZGERALD. I will not make the point; but I suggest the gentleman is not discussing the point.

Mr. COOPER of Wisconsin. I hope the gentleman will not insist upon that.

Mr. FITZGERALD. I will not. I hope the gentleman will wait until we reach the amendment of the gentleman from Iowa.

Mr. COOPER of Wisconsin. I am speaking on that amendment.

Mr. FITZGERALD. That amendment is not pending at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee, striking out the proviso, which makes an additional charge upon the Philippine treasury.

Mr. COOPER of Wisconsin. I spoke to that first, and then I had five minutes time extended to me, or time without limit.

He is really—

Says Governor Wright—

the political agent of the insular government. He keeps in touch with everything that is going on in the islands aside from commanding this large body of men. The Commission has been compelled to establish a civil commissary. The Army commissary being no longer available, under orders issued by the Secretary of War more than a year ago, in order to provide suitable food for its several employees scattered throughout the islands who had no access to the markets and were unable to obtain such food as they were accustomed to, it became necessary to provide them proper subsistence. The chief of constabulary assumed that duty and has organized and is conducting that subsistence department.

Governor Wright says also that this proposed legislation is not to help any particular man nor to secure his promotion. He says that in any event it ought to be law, so that they can select whomsoever they please, and thus secure the very best obtainable man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDOX. Mr. Chairman, the gentleman from Wisconsin makes a rather remarkable statement in his argument—that this condition of the Philippine treasury is merely temporary and brought about by the decline in silver, or the fluctuation in silver. I think, if the report of the Secretary of War means anything, it is due to the famine, pestilence, and every other devilment that ever afflicted a people on the face of the earth—from rinderpest and by disease that attacked the American and native horses, but one-fourth of the rice crop, and the locusts are about to eat that up. Not only that, but cholera has prevailed in that country, and, as I said before, to-day at least 100,000 of these people are going down under this disease. Thousands and hundreds of thousands of dollars have already been gathered from these people to buy rice in China and Japan in order to keep the people down there alive; and yet the gentleman from Wisconsin says that this distress, this temporary deficit in the treasury, is largely the fault of silver.

Mr. COOPER of Wisconsin. Will the gentleman from Georgia allow me to ask him a question?

Mr. MADDOX. Let me read this, and then I will answer your question. This is from the Secretary of War asking \$3,000,000. He says in his letter to the President:

I beg to ask special consideration of the recommendations of the Commission, all of which have my hearty approval. It seems to me that the conditions resulting from the destruction by rinderpest of 90 per cent of the carabaos, the draft animals of the islands, and the consequent failure of the rice crop, followed by an epidemic of cholera, are so serious and distressing as to call for action by Congress beyond that for which the Commission specifically ask. The removal under the laws of Congress of export duties on goods shipped from the Philippines to the United States has materially reduced the revenues of the islands, while the duties collected in the United States upon importations from the Philippines, which under the same laws were to be turned over to the Philippine treasury and were expected to make good the deficit, have amounted to practically nothing.

Now, that is what the Secretary of War says, and he certainly knows something about it. The gentleman from Wisconsin presumes that there are no other reasons why there is a deficit and why they have no money. Now, my distinguished friend has laid considerable stress upon what General Wright says. My friend from Tennessee [Mr. GAINES] complimented this military officer who is in charge of this constabulary, and no doubt he is entitled to all the commendations that have been passed upon him here, and says that he stayed down there exposed to disease. I will tell you why he stayed there and faced disease. He stayed there because he was detailed to stay, and my opinion of United States officers is that when they are detailed to discharge a duty they do it, in the Philippines or elsewhere.

Mr. GAINES of Tennessee. Why did not the others stay?

Mr. MADDOX. Because they were ordered home. I will say to you, my distinguished friend, that there are a number of them down there now—15,000—and a number of them have been there all the time.

Mr. GAINES of Tennessee. Why did they order the "brigadier-generals" home and leave Captain Allen there?

Mr. MADDOX. I do not know; I have not an idea about that. But I undertake to say that if any officer in the Army that I ever heard of had been detailed to stay there he would have been there now, the same as Captain Allen. So there is nothing in that.

My friend from Wisconsin places particular stress upon what Governor Wright says. I guess he is all right. [Laughter.] But he has placed himself in a sort of an awkward position. He comes to the American Congress when he wants us to repeal the tariff, or reduce it to 25 per cent, and says the people are ruined, poverty stricken, and diseased, and all that sort of business, and to-morrow when we are called upon to appropriate \$3,000,000 to help these poverty-stricken people they are still in that condition. Now he comes under these circumstances pleading for help and for the assistance of this Government to support his Territory, and at the same time comes with a little petition in his pocket to raise Captain Allen to the rank of a brigadier-general, and he insists that these charges shall be placed upon the treasury of the Philippine Islands. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, in reply to what the gentleman from Georgia has said about the proposed appropriation of \$3,000,000, I wish to inform him that Governor Taft has written to me, as he has probably to other members, as to what they desire to do with that money. As I said, there will be a provision in the bill for the government of the islands to reimburse the United States. It is proposed by the Commission to take that money and buy carabaos. They are the animals, the water buffalo, which are used in the islands for the cultivation of rice. That is the staple food product of the islands. The killing by rinderpest of nine out of ten of the animals has resulted in the failure of the rice crop, because they of necessity use those animals in its cultivation. But by giving immediately this money to these islands they can buy a sufficient number of the carabaos, and with proper animals they can at once go to work in the cultivation of the rice crop, which grows so readily there that starvation and famine will at once disappear. That is the plan of the Insular Commission. That is a fact that makes one of the apparently hard conditions, but which is only temporary, as I said a moment ago.

Now, because of the killing of the carabaos and the consequent failure in the rice crop there has been a falling off in the revenue of the islands. As I understand it, there would not have been a deficit if it had not been for the loss of a million dollars by the depreciation of silver, which has gone down 30 per cent since we passed the law last spring. We hope this session to enact a gold-standard law for the islands to bring about financial prosperity there.

Governor Taft and Governor Wright assure the people of the United States that it is only temporary; that the normal conditions will obtain as soon as they get money and carabaos.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. It seems to me, Mr. Chairman, it makes but very little difference as to what the action of this House shall be, whether the poverty in the Philippine Islands results from the depreciation of silver or from the death of the beasts of burden. This amendment that is now pending is a concession that the majority portion of the bill should pass. The gentleman from Tennessee—and I recognize him as a mouthpiece, as one of the leaders of his side, who has given careful attention to this and who speaks by authority—simply proposes to change the method and place of payment. He recognizes the fact that this force should be commanded by a brigadier-general and by four officers with a rank of colonel. And the very fact that he has made the admission that he has, and has not attempted to affect the other portion of the bill that I have referred to, is an indorsement of the bill in its main features.

Now, I do not agree with him, or with my liberal colleague from Iowa, that this added expense should be borne by his constituents or by mine. This gentleman confesses that this additional rank is necessary in order to secure the most efficient service of this constabulary force for the benefit of the people of these islands. It is for their benefit; they alone are the beneficiaries, and they are abundantly able to pay this added ten or twelve thousand dollars. Why should the gentleman from Tennessee, why should my colleague, try to saddle that expense that is solely for the benefit of another, and that other able to pay it, upon his constituents or upon mine?

In my judgment, this is misplaced liberality. Let the people of those islands learn now that they are themselves to pay for the blessings of the better government that they are to have. Let them learn at the earliest moment possible that they must pay their taxes for their expenditures. It is a mistaken charity, in my judgment, for the United States Government to be constantly making donations to meet expenditures of government that they should pay. And I am sorry to see the gentleman from Tennessee [Mr. GAINES], usually so exact, so precise in his views as to where responsibility should rest, who should meet responsibility,

who should make payments, trying to saddle upon his constituents this legitimate debt of another people. [Laughter.]

Mr. GAINES of Tennessee. Mr. Chairman, as a rule or policy I would not offer such an amendment as this. Ordinarily I would have the Filipinos support their own government. I have made speeches to that effect on this floor, to which evidently the distinguished son of Iowa [Mr. HEPBURN] has listened. And I am glad he shows that he must have honored me by listening to me when I thus spoke. Circumstances alter cases. But here, Mr. Chairman, is a very sad, a very serious, and a very unfortunate condition of affairs in the Philippine Islands, and we are not ourselves altogether free from blame for those conditions. We must admit that we have shot and burned many of their houses down; that we have burned many of them to remove disease; that we have done a great many things over there to intensify the unfortunate condition that has been recently imposed upon that people as the result of the plague, the smallpox, and all kinds of fevers, contagious and noncontagious.

We find the President of the United States and the Secretary of War telling us yesterday that they need, not 3,000,000 of Mexican dollars, if you please, but 3,000,000 of "200-cent dollars" to relieve these people. Yet the gentleman from Wisconsin would have us believe that the financial trouble there is brought about by the fall in the price of silver, although here is a report read to-day by my distinguished colleague, the gentleman from Georgia [Mr. MADDOX], praying that taxation be reduced, so that those people may bring their products to the United States, that they may fill their pockets, and later on pay the export duties which go into their bankrupt treasury, and showing that every evil flesh is heir to has cursed and is now cursing the Filipinos.

Because of their distressed condition; because they are without homes; because they are sick; because they are dying there by the thousands, as we read and must know; because they have been denied everything short of life itself and often that since they have come on the earth. These conditions, Mr. Chairman, are the reason why the great, the proud, the patriotic people of America should come in now and say, "When we raise the salary of an American officer commanded by American officers, who owes his position and his epaulets, if he has any, to the United States Government, that salary, if it is raised at all, shall be paid by the great and rich Government that raises that salary."

Again, this is but the entering wedge, Mr. Chairman, for increasing other salaries, another reason why I want to offer this amendment—when we pay we will be slow to increase the salary. Raise this salary, let the entering wedge begin here, and where will it end? It is these conditions and these alone that prompt me to take the position in this case that we should rather help these people as we can than send \$250,000 or \$500,000 to Martinique and elsewhere to help people who do not owe us allegiance—whom we never harmed—who were not afflicted with disease, but who, I am told, were all swallowed up in a volcano—entirely unlike these people, who are suffering by the million and tens of millions in the Philippine Islands from disease, famine, and everything that flesh falls heir to.

Mr. Chairman, I think that if we raise this salary we should pay for it, and that is why I have offered my amendment. Eliminate this proviso and we improve the bill that much at least.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] who preceded the gentleman from Tennessee [Mr. GAINES] stated that the gentleman from Tennessee was always accurate in his statements of fact, and the gentleman from Tennessee now states that the Filipinos are now dying at the rate of ten or fifteen millions a clip.

Mr. GAINES of Tennessee. I made no such statement. [Laughter.]

Mr. GROSVENOR. The words that the gentleman used were that they were dying at the rate of tens of millions; and I am alarmed—

Mr. GAINES of Tennessee. I said "suffering."

Mr. GROSVENOR. "Dying" was the word; and I appeal—

Mr. GAINES of Tennessee. If we continue your policy over there they will all die.

Mr. GROSVENOR. I do not know anybody more liable to slay his thousands than the gentleman from Tennessee. [Laughter.]

Now, Mr. Chairman, a more or less jocular remark which I made seems to have a false impression upon my distinguished friend in charge of this bill.

I have brought with me, coupled with my imperfect knowledge of military affairs, which I learned in something like four years' service and not much study, a decided prejudice against what is called in the Army "assimilated rank." It always leads to confusion and always leads to discrimination, and it occurred to me on a cursory observation of this bill that there was going to be a very pronounced reintroduction into the Army organization of what we call "assimilated rank"—taking a lieutenant or captain

and making him a brigadier-general, giving him the rank practically, and then turning him back again, changing his uniform back to that of a line officer. It seems to me to be incongruous; but when I hear the statement of the gentleman from Wisconsin [Mr. COOPER] that this is urged in the interest of a single man—or, in other words, that the single man's interest runs side by side with that of the Government—why, I am not going to put up my judgment and my prejudice against the better knowledge and better judgment of the men who have recommended the passage of this bill. I do not believe in it, so far as I gather from my own observation and experience, and I did think that there was necessarily involved in it a reflection upon the Army of the United States and its brigadier-generals.

Now, I do not believe in any of these powers of discrimination except one, and that one is barred to the President of the United States. If I could have my way about it, the President of the United States, for the conferring of special honors upon a soldier, should have the right to promote a line officer or the noncommissioned officer or a private soldier of the Army to any of the commissioned ranks above him; but, unfortunately, the power of the President of the United States to promote a captain or lieutenant is limited to that of brigadier-general. It always brings confusion. I do not need to refer to instances, and I do not want to discriminate in any remarks I may make, but we all know that a very large per cent of the dissatisfaction which has grown up during the last four years has grown out of the fact that there came here and there a case where it seemed that the President, as Commander in Chief, ought to confer special promotion upon a soldier or an officer, and found himself limited in the line of promotion to the rank of brigadier-general alone, whereas if he could have promoted the officer or officers, or private or noncommissioned officer, to a rank of captain or major or lieutenant-colonel, would have satisfied all the demands of honor and would have led to much less commotion and trouble in the Army. It was in the line of regularity that I asked my question, and I hope nobody will be affected by it in their vote upon this bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question now is on the amendment of the gentleman from Tennessee.

The question was taken; and the amendment rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 77, noes 68.

Mr. COOPER of Wisconsin. I demand tellers, Mr. Chairman. Tellers were ordered.

The committee again divided, and the tellers reported—ayes 91, noes 74.

So the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, on that I shall demand the yeas and nays in the House.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided.

Mr. HULL. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Add to the end of section 2 the following:

"Provided, That when the Philippine scouts shall be ordered to assist the Philippine constabulary, said scouts shall not at any time be placed under the command of inspectors or other officers of the constabulary below the grade of assistant chief of constabulary."

Mr. HULL. Mr. Chairman, I shall simply take the time of the committee to say that it was stated by the gentleman in charge of the bill and by others who advocate the measure that it was not intended to place the troops of the United States under the control of merely police officers. Now, Mr. Chairman, there are no lieutenants in the constabulary, nor captains. They have inspectors of different grades, drawing different salaries. This places the entire force of scouts under the control of the chief and assistant chiefs of constabulary, but does provide, if this amendment is adopted, in my mind, that where they are ordered into action and the chief or assistant chiefs do not take the field, that then the officer of the highest rank will command the organization to carry out the orders of the chief officers of the constabulary force, and I should imagine that my friend from Wisconsin would have no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken and the amendment agreed to.

And then, on motion of Mr. COOPER of Wisconsin, the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the

state of the Union, reported that that committee had had under consideration the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that, as amended, the bill do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. COOPER of Wisconsin. I demand a separate vote on the first amendment of the gentleman from Iowa to the first section.

Mr. JONES of Virginia. Mr. Speaker, I ask that that amendment be read.

The SPEAKER. The Chair will submit the remaining amendments to the House in gross, after which the amendment upon which the gentleman from Wisconsin demands a separate vote will be submitted to the House. The question is upon all the other amendments.

The amendments were agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. The Clerk will now report the amendment upon which the gentleman from Wisconsin has demanded a separate vote.

The Clerk read as follows:

Strike out all after the enacting clause in section 1, and insert:

"That one brigadier-general of the Regular Army of the United States may be detailed as chief of the Philippine constabulary, and assistant chiefs of constabulary from officers of the Regular Army not below the grade of lieutenant-colonel."

Mr. COOPER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

Mr. JONES of Virginia. Mr. Speaker, I do not understand that that was the first amendment. The first amendment, as I understand, was one offered by myself, that the number of assistant chiefs should be limited to four. That is the first amendment, and that is the only one under the order that could now be voted upon.

The SPEAKER. Was not the amendment which has just been read the only one upon which a separate vote was demanded?

Mr. COOPER of Wisconsin. Yes.

The SPEAKER. Then what is the point of the gentleman from Virginia?

Mr. JONES of Virginia. I understood the request of the gentleman to be that all the amendments save the first amendment should be voted upon in gross. That was done. Now, the first amendment was an amendment limiting the number of assistant chiefs to four, so that would be the only amendment now to be submitted.

Mr. WILLIAMS of Mississippi. The gentleman from Wisconsin distinctly said the first amendment.

Mr. JONES of Virginia. That was the first amendment, and the gentleman distinctly requested a separate vote on the first amendment.

Mr. COOPER of Wisconsin. The gentleman from Virginia did not understand all my request. I said the first amendment offered by the gentleman from Iowa [Mr. HULL].

The SPEAKER. The only remaining amendment is the one which has just been reported, and the amendment of the gentleman from Virginia will be included in the disposition of this. All the other amendments, as the gentleman properly states, have been disposed of in gross.

Mr. JONES of Virginia. Including the first amendment?

The SPEAKER. This is all that is left to be disposed of.

Mr. JONES of Virginia. I want it distinctly understood that the first amendment is included among those that are adopted; because the language of the Chair was, "all except the first amendment."

Mr. LACEY. I suggest that the amendment offered by the gentleman from Virginia [Mr. JONES] was adopted, but subsequently, however, the whole section was stricken out and a substitute took the place of his amendment.

Mr. JONES of Virginia. Not at all, Mr. Speaker.

The SPEAKER. The House has to dispose of it now.

Mr. LACEY. The amendment of the gentleman from Virginia went out when the substitute was adopted.

The SPEAKER. As the Chair understands, if this amendment is adopted the amendment of the gentleman from Virginia will go out with the section.

Mr. RICHARDSON of Tennessee. If the substitute is adopted, it carries the whole bill.

Mr. SMITH of Kentucky. I understand that the amendment proposed by the gentleman from Virginia was to the first section of the bill as it appears in print; but subsequent to the adoption of that amendment a substitute for that section was adopted.

Mr. RICHARDSON of Tennessee. A substitute for the whole bill.

The SPEAKER. As the Chair understands the situation, the Chair will say, in reply to the gentleman from Kentucky, that the amendment of the gentleman from Virginia was to the first section. The amendment of the gentleman from Virginia has been agreed to, as the Chair understands, but whatever fate the first amendment now receives will affect the amendment offered by the gentleman from Virginia. So that the question now before the House is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

Mr. JONES of Virginia. I am satisfied that was not the understanding of the House. My amendment was practically accepted. It was understood that that amendment, limiting the number of assistant chiefs, was practically accepted.

The SPEAKER. The Chair desires to have it distinctly understood by the House, so that there may be no misunderstanding when members vote. As the Chair understands the situation, the amendment of the gentleman from Virginia was adopted. But if the amendment offered by the gentleman from Iowa prevails, which strikes out the first section as amended, the amendment of the gentleman from Virginia will fall with that first section. So the question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. COOPER of Wisconsin. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 103, answered "present" 6, not voting 143; as follows:

YEAS—103.

Adams,	Foster, Vt.	Lever,	Robinson, Ind.
Adamson,	Gilbert,	Lewis, Pa.	Rucker,
Bankhead,	Glass,	Lindsay,	Russell,
Bartlett,	Glenn,	Little,	Scarborough,
Bell,	Griffith,	Lloyd,	Shafroth,
Benton,	Griggs,	McClellan,	Sheppard,
Billmeyer,	Grosvenor,	McDermott,	Sims,
Bowie,	Hay,	Maddox,	Slayden,
Brantley,	Henry, Conn.	Maynard,	Smith, Ky.
Brick,	Henry, Tex.	Miers, Ind.	Snook,
Broussard,	Holliday,	Mondell,	Stark,
Brundidge,	Hooker,	Moore,	Steele,
Burleson,	Howard,	Mutchler,	Stephens, Tex.
Caldwell,	Hull,	Naphen,	Stevens, Minn.
Candler,	Jett,	Padgett,	Thayer,
Clark,	Johnson,	Pierce,	Thomas, N. C.
Cochran,	Jones, Va.	Pou,	Tongue,
Corliss,	Joy,	Pugsley,	Trimble,
Cowherd,	Kern,	Randell, Tex.	Underwood,
Cromer,	Kitchin, Claude	Ransdell, La.	Vandiver,
Dalzell,	Kitchin, Wm. W.	Reid,	Wadsworth,
Dinsmore,	Kluttz,	Richardson, Ala.	White,
Fitzgerald,	Lamb,	Richardson, Tenn.	Williams, Miss
Flanagan,	Lanham,	Rixey,	Wooten,
Fleming,	Latimer,	Robb,	Zenor.
Flood,	Lawrence,	Robertson, La.	

NAYS—103.

Alexander,	Esch,	Hitt,	Powers, Me.
Allen, Me.	Feely,	Jones, Wash.	Prince,
Ball, Del.	Fletcher,	Kahn,	Reeves,
Bartholdt,	Foerderer,	Knapp,	Scott,
Beidler,	Fordney,	Lacey,	Showalter,
Bishop,	Foss,	Loudenslager,	Sibley,
Boutell,	Gaines, Tenn.	Lovering,	Skiles,
Brandegee,	Gaines, W. Va.	McCleary,	Smith, Ill.
Brown,	Gardner, Mass.	McLachlan,	Smith, Iowa
Brownlow,	Gardner, Mich.	Mann,	Smith, S. W.
Burkett,	Gardner, N. J.	Marshall,	Southwick,
Burton,	Gibson,	Mercer,	Sperry,
Butler, Pa.	Gillet, N. Y.	Miller,	Storm,
Cannon,	Graft,	Minor,	Sulloway,
Capron,	Graham,	Moody, N. C.	Sutherland,
Cassel,	Greene, Mass.	Moody, Oreg.	Taylor, Ohio
Comer,	Grow,	Morris,	Thomas, Iowa
Coombs,	Hamilton,	Mudd,	Tirrell,
Cooper, Wis.	Hanbury,	Needham,	Van Voorhis,
Crumacker,	Haskins,	Olmsted,	Vreeland,
Currier,	Haugen,	Otjen,	Wanger,
Dahle,	Hedge,	Palmer,	Warnock,
Darragh,	Hemenway,	Patterson, Pa.	Watson,
Deemer,	Hepburn,	Patterson, Tenn.	Woods,
Draper,	Hildebrandt,	Payne,	Wright.
Emerson,	Hill,	Pearre,	

ANSWERED "PRESENT"—6.

Barney,	Gillett, Mass.	Swanson,	Wheeler.
Bromwell,	Jenkins,		

NOT VOTING—143.

Acheson,	Burk, Pa.	Davey, La.	Fowler,
Allen, Ky.	Burke, S. Dak.	Davidson,	Fox,
Applin,	Burleigh,	Davis, Fla.	Gill,
Babcock,	Burnett,	Dayton,	Goldfogle,
Ball, Tex.	Butler, Mo.	De Armond,	Gooch,
Bates,	Calderhead,	Dick,	Gordon,
Bellamy,	Cassingham,	Dougherty,	Green, Pa.
Belmont,	Clayton,	Douglas,	Heatwole,
Bingham,	Connell,	Dovener,	Henry, Miss.
Blackburn,	Conry,	Driscoll,	Hopkins,
Blakeney,	Cooney,	Dwight,	Howell,
Boreing,	Cooper, Tex.	Eddy,	Hughes,
Bowersock,	Cousins,	Edwards,	Irwin,
Breazeale,	Creamer,	Elliot,	Jack,
Bristow,	Crowley,	Evans,	Jackson, Kans.
Bull,	Curtis,	Finley,	Jackson, Md.
Burgess,	Cushman,	Foster, Ill.	Kehoe,

Ketcham,	Mahon,	Roberts,	Stewart, N. J.
Kleberg,	Mahoney,	Robinson, Nebr.	Stewart, N. Y.
Knox,	Martin,	Rumple,	Sulzer,
Kyle,	Metcalfe,	Ruppert,	Swann,
Landis,	Meyer, La.	Ryan,	Talbert,
Lassiter,	Mickey,	Schirm,	Tate,
Lessler,	Morgan,	Selby,	Tawney,
Lester,	Morrell,	Shackelford,	Taylor, Ala.
Lewis, Ga.	Moss,	Shallenberger,	Thompson,
Littauer,	Neville,	Shattuc,	Tompkins, N. Y.
Littlefield,	Nevin,	Shelden,	Tompkins, Ohio
Livingston,	Newlands,	Sherman,	Wachter,
Long,	Norton,	Small,	Warner,
Loud,	Overstreet,	Smith, H. C.	Weeks,
McAndrews,	Parker,	Smith, Wm. Alden Wiley,	Wiley,
McCall,	Perkins,	Snodgrass,	Williams, Ill.
McCulloch,	Powers, Mass.	Southard,	Wilson,
McLain,	Reeder,	Sparkman,	Young.
McRae,	Rhea,	Spight,	

The following pairs were announced:

For the balance of the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. HEATWOLE with Mr. TATE.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. BARNEY with Mr. THOMPSON.

Mr. EVANS with Mr. LESTER.

Mr. HUGHES with Mr. BROUSSARD.

Mr. LESSLER with Mr. BURGESS.

Mr. DWIGHT with Mr. SELBY.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. COUSINS with Mr. KLEBERG.

Mr. LONG with Mr. NEWLANDS.

Mr. HOPKINS with Mr. SWANSON.

Mr. BORRING with Mr. KEHOE.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. JACK with Mr. FINLEY.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. CURTIS with Mr. MCANDREWS.

Mr. SHATTUC with Mr. CLAYTON, on this bill.

For this day:

Mr. STEWART of New York with Mr. TALBERT.

Mr. WACHTER with Mr. TAYLOR of Alabama.

Mr. WARNER with Mr. WILEY.

Mr. ROBERTS with Mr. RYAN.

Mr. SCHIRM with Mr. SHALLENBERGER.

Mr. SHELLEN with Mr. SMALL.

Mr. STEWART of New Jersey with Mr. SPIGHT.

Mr. POWERS of Massachusetts with Mr. RHEA.

Mr. PERKINS with Mr. NEVILLE.

Mr. JENKINS with Mr. BALL of Texas.

Mr. MAHON with Mr. ELLIOTT.

Mr. DOVENER with Mr. FOX.

Mr. DAVIDSON with Mr. ALLEN of Kentucky.

Mr. REEDER with Mr. LEWIS of Georgia.

Mr. BULL with Mr. CROWLEY.

Mr. ACHESON with Mr. SULZER.

Mr. MARTIN with Mr. SHACKLEFORD.

Mr. NEVIN with Mr. CONRY.

Mr. DICK with Mr. WILLIAMS of Illinois.

Mr. BATES with Mr. GORDON.

Mr. MCCALL with Mr. LIVINGSTON.

Mr. OVERSTREET with Mr. MCLAIN.

Mr. TAWNEY with Mr. SPARKMAN.

Mr. WM. ALDEN SMITH with Mr. SWANN.

Mr. KYLE with Mr. DOUGHERTY.

Mr. LITTAUER with Mr. BELMONT.

Mr. SOUTHARD with Mr. NORTON.

Mr. BINGHAM with Mr. MCRAE.

Mr. BABCOCK with Mr. COOPER of Texas.

Mr. MORGAN with Mr. MICKEY.

Mr. LANDIS with Mr. MAHONEY.

Mr. KNOX with Mr. MCCULLOCH.

Mr. IRWIN with Mr. LESTER.

Mr. HOWELL with Mr. LASSITER.

Mr. GILL with Mr. JACKSON of Kansas.

Mr. FOWLER with Mr. HENRY of Mississippi.

Mr. DOVENER with Mr. GOOCH.

Mr. DOUGLAS with Mr. GOLDFOGLE.

Mr. CUSHMAN with Mr. FOSTER of Illinois.

Mr. CONNELL with Mr. EDWARDS.

Mr. CALDERHEAD with Mr. DAVIS of Florida.

Mr. BURLEIGH with Mr. CREAMER.

Mr. BURKE of South Dakota with Mr. COONEY.

Mr. BURK of Pennsylvania with Mr. BUTLER of Missouri.

Mr. BLACKBURN with Mr. BREAZEALE.

Mr. LITTLEFIELD with Mr. DE ARMOND.

Mr. BRISTOW with Mr. BELLAMY.

On this vote:

Mr. HENRY C. SMITH with Mr. DAVEY of Louisiana.

Mr. YOUNG with Mr. WILSON.

The SPEAKER. The Chair, because of this vote being so close, there being but one difference, will cause a recapitulation. Members will give attention.

The vote was recapitulated.

Mr. SWANSON. Mr. Speaker, I am paired with the gentleman from Illinois [Mr. HOPKINS] until he returns. I voted yea. I desire to withdraw my vote and answer "present."

The name of Mr. SWANSON was called and he voted "present."

The SPEAKER. On this question the yeas are 103; the nays are 103; answering present 6; and the amendment is lost. [Applause.] The question now is on the engrossment and third reading of the bill.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. PAYNE. Division.

The House divided; and there were—ayes 83, noes 76.

Mr. JONES of Virginia. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 83, answered "present" 6, not voting 164; as follows:

YEAS—102.

Alexander,	Esch,	Hull,	Pearre,
Allen, Me.	Fletcher,	Kahn,	Perkins,
Ball, Del.	Foerderer,	Knapp,	Powers, Me.
Beidler,	Fordney,	Lacey,	Prince,
Bishop,	Gaines, W. Va.	Lawrence,	Showalter,
Brandegge,	Gardner, Mass.	Lewis, Pa.	Sibley,
Brick,	Gardner, Mich.	Lovering,	Skiles,
Brown,	Gibson,	McCleary,	Smith, Iowa
Brownlow,	Gillet, N. Y.	McLachlan,	Smith, S. W.
Burkett,	Graft,	Mann,	Southwick,
Burton,	Graham,	Marshall,	Steele,
Butler, Pa.	Greene, Mass.	Mercer,	Stevens, Minn.
Cannon,	Grosvenor,	Miller,	Sulloway,
Capron,	Grow,	Minor,	Sutherland,
Conner,	Hamilton,	Mondell,	Taylor, Ohio
Coombs,	Hanbury,	Moody, N. C.	Thomas, Iowa
Cooper, Wis.	Haskins,	Moody, Oreg.	Tirrell,
Cromer,	Haugen,	Morrell,	Van Voorhis,
Crumpacker,	Hedge,	Mudd,	Vreeland,
Currier,	Hemenway,	Needham,	Wadsworth,
Dahle,	Henry, Conn.	Olmsted,	Wanger,
Dalzell,	Hepburn,	Otjen,	Warnock,
Darragh,	Hildebrandt,	Palmer,	Woods,
Deemer,	Hill,	Patterson, Pa.	Wright.
Draper,	Hitt,	Patterson, Tenn.	
Emerson,	Holliday,	Payne,	

NAYS—83.

Adamson,	Gilbert,	Lloyd,	Rucker,
Bankhead,	Glass,	McClellan,	Russell,
Bartlett,	Glenn,	McCulloch,	Scarborough,
Bell,	Griggs,	McDermott,	Shafroth,
Billmeyer,	Hay,	Maddox,	Sheppard,
Bowie,	Henry, Tex.	Miers, Ind.	Sims,
Brantley,	Hooker,	Moon,	Slayden,
Brundidge,	Howard,	Mutchler,	Smith, Ky.
Burleson,	Jett,	Napen,	Snook,
Caldwell,	Johnson,	Padgett,	Stark,
Candler,	Jones, Va.	Pierce,	Stephens, Tex.
Clark,	Kern,	Pugsley,	Thayer,
Cochran,	Kitchin, Claude	Randell, Tex.	Thomas, N. C.
Cowherd,	Kitchin, Wm. W.	Ransdell, La.	Trimble,
Dinsmore,	Kluttz,	Reid,	Underwood,
Feely,	Lamb,	Richardson, Ala.	Vandiver,
Fitzgerald,	Lanham,	Richardson, Tenn.	White,
Flanagan,	Latimer,	Rixey,	Williams, Miss.
Fleming,	Lever,	Robb,	Wooten,
Flood,	Lindsay,	Robertson, La.	Zenor.
Gaines, Tenn.	Little,	Robinson, Ind.	

ANSWERED "PRESENT"—6.

Bromwell,	Dayton,	Swanson,	Wheeler.
Burgess,	Jenkins,		

NOT VOTING—164.

Acheson,	Burnett,	Dwight,	Jack,
Adams,	Butler, Mo.	Eddy,	Jackson, Kans.
Allen, Ky.	Calderhead,	Edwards,	Jackson, Md.
Aplin,	Cassel,	Elliott,	Jones, Wash.
Babcock,	Cassingham,	Evans,	Joy,
Ball, Tex.	Clayton,	Finley,	Kehoe,
Barney,	Connell,	Foss,	Ketcham,
Bartholdt,	Conry,	Foster, Ill.	Kleberg,
Bates,	Cooney,	Foster, Vt.	Knox,
Bellamy,	Cooper, Tex.	Fowler,	Kyle,
Belmont,	Corliss,	Fox,	Landis,
Benton,	Cousins,	Gardner, N. J.	Lassiter,
Bingham,	Creamer,	Gill,	Lessler,
Blackburn,	Crowley,	Gillett, Mass.	Lester,
Blakeney,	Curtis,	Goldfogle,	Lewis, Ga.
Boreing,	Cushman,	Gooch,	Littauer,
Boutell,	Davey, La.	Gordon,	Littlefield,
Bowersock,	Davidson,	Green, Pa.	Livingston,
Breazeale,	Davis, Fla.	Griffith,	Long,
Bristow,	De Armond,	Heatwole,	Loud,
Broussard,	Dick,	Henry, Miss.	Loudenslager,
Bull,	Dougherty,	Hopkins,	McAndrews,
Burk, Pa.	Douglas,	Howell,	McCall,
Burke, S. Dak.	Dovener,	Hughes,	McLain,
Burleigh,	Driscoll,	Irwin,	McRae,

Mahon,
Mahoney,
Martin,
Maynard,
Metcalf,
Meyer, La.
Mickey,
Morgan,
Morris,
Moss,
Neville,
Nevin,
Newlands,
Norton,
Overstreet,
Parker,

Pou,
Powers, Mass.
Reeder,
Reeves,
Rhea,
Roberts,
Robinson, Nebr.
Rumple,
Ruppert,
Ryan,
Schirm,
Scott,
Selby,
Shackleford,
Shallenberger,
Shattuc,

Shelden,
Sherman,
Small,
Smith, Ill.
Smith, H. C.
Smith, Wm. Alden
Snodgrass,
Southard,
Sparkman,
Sperry,
Spight,
Stewart, N. J.
Stewart, N. Y.
Storm,
Sulzer,
Swann,

Talbert,
Tate,
Tawney,
Taylor, Ala.
Thompson,
Tompkins, N. Y.
Tongue,
Tompkins, Ohio
Tongue,
Wachter,
Warner,
Watson,
Weeks,
Wiley,
Williams, Ill.
Wilson,
Young.

So the bill was ordered to be engrossed and read a third time.

The following additional pairs were announced:

For this day:

Mr. FOSTER of Vermont with Mr. POU.

Mr. ADAMS with Mr. GREEN of Pennsylvania.

Mr. JOY with Mr. WILSON.

Mr. FOSS with Mr. GRIFFITH.

For the session:

Mr. YOUNG with Mr. BENTON.

The result of the vote was then announced as above recorded.

The bill was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

RESIGNATION OF MR. LANHAM, OF TEXAS.

The SPEAKER. The Chair lays before the House the following communication:

The Clerk read as follows:

WASHINGTON, D. C., January 8, 1903.

HON. DAVID B. HENDERSON,

Speaker of the House of Representatives, Washington, D. C.

MY DEAR SIR: I have this day tendered my resignation as a Representative in Congress from the Eighth Congressional district of Texas to the Hon. Joseph D. Sayers, governor of the State of Texas, to take effect on the 15th instant.

I have the honor to be, very respectfully, your obedient servant,

S. W. T. LANHAM,

Member of Congress, Eighth District, Texas.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

The SPEAKER. The Chair lays before the House the following request of the Senate:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district in the State of Missouri, approved January 24, 1901.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The resolution was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval, bills of the following titles:

H. R. 5883. An act granting a pension to Martha A. Hollingsead;

H. R. 13467. An act granting a pension to Joseph H. Woodruff;

H. R. 4262. An act granting an increase of pension to Thomas

P. May;

H. R. 8145. An act granting an increase of pension to Harvey

B. Linton;

H. R. 13690. An act granting an increase of pension to Freeman

R. Gove;

H. R. 11579. An act granting an increase of pension to John A.

Wright;

H. R. 12165. An act granting an increase of pension to Caroline

M. Stone;

H. R. 5758. An act granting an increase of pension to Newton

W. Elmendorf;

H. R. 5038. An act granting an increase of pension to William

H. Hudson;

H. R. 13352. An act granting an increase of pension to Charles

E. Brown;

H. R. 9219. An act granting an increase of pension to Colmore

L. Newman;

H. R. 3825. An act granting an increase of pension to Lizzie I.

Rich;

H. R. 7878. An act granting an increase of pension to William

J. Remington;

H. R. 14144. An act granting an increase of pension to Fannie

S. Cross;

H. R. 14377. An act granting an increase of pension to Jennett

Stewart;

H. R. 9807. An act granting an increase of pension to Hiram James;

H. R. 13943. An act granting an increase of pension to Charles M. Granger;

H. R. 2440. An act granting an increase of pension to William D. Smith;

H. R. 5951. An act granting an increase of pension to Ole Thompson;

H. R. 13457. An act granting an increase of pension to John S. Crosser;

H. R. 14355. An act granting an increase of pension to Timothy Donohue;

H. R. 14732. An act granting an increase of pension to Grac M. Read;

H. R. 10679. An act granting an increase of pension to Charlotte E. Baird;

H. R. 10005. An act granting an increase of pension to William A. Henderson;

H. R. 12009. An act granting an increase of pension to George Baker;

H. R. 10325. An act granting an increase of pension to Joseph Stonesifer;

H. R. 1347. An act granting an increase of pension to Charles H. Webb;

H. R. 11890. An act granting an increase of pension to James Brown;

H. R. 9883. An act granting an increase of pension to William Kelly;

H. R. 3513. An act granting an increase of pension to James W. Young;

H. R. 14098. An act granting an increase of pension to Albert M. Scott;

H. R. 14055. An act granting an increase of pension to Samuel Brown;

H. R. 14421. An act granting an increase of pension to John Q. A. Rider;

H. R. 12777. An act granting an increase of pension to George H. Young;

H. R. 3745. An act granting an increase of pension to George Kerr;

H. R. 6970. An act granting an increase of pension to Monora Stimson;

H. R. 13646. An act granting an increase of pension to John G. Heiser;

H. R. 7109. An act granting an increase of pension to Stanton L. Brabham;

H. R. 10263. An act granting an increase of pension to Daniel J. Byrnes;

H. R. 13848. An act granting an increase of pension to James H. Chedester;

H. R. 7618. An act granting an increase of pension to Thomas Sheridan;

H. R. 2598. An act granting an increase of pension to Adrian M. Snyder;

H. R. 5888. An act granting an increase of pension to Peter Poutney;

H. R. 9691. An act granting an increase of pension to James H. Joseph;

H. R. 10462. An act granting an increase of pension to Mary A. Munson;

H. R. 8146. An act granting an increase of pension to Thomas M. Owens;

H. R. 5480. An act granting an increase of pension to John C. Nelson;

H. R. 8414. An act granting an increase of pension to George Atkinson;

H. R. 12632. An act granting an increase of pension to Bailey O. Bowden;

H. R. 13052. An act granting an increase of pension to Charles K. Batey;

H. R. 11436. An act granting an increase of pension to James H. McKnight;

H. R. 13367. An act granting an increase of pension to Jonathan Walbert;

H. R. 5453. An act granting an increase of pension to Thomas Wilkinson;

H. R. 1745. An act granting an increase of pension to Marvin Chandler;

H. R. 11979. An act granting an increase of pension to William W. Anderson;

H. R. 10876. An act granting an increase of pension to Joseph Mote;

H. R. 6481. An act granting an increase of pension to Millen McMillen;

H. R. 13665. An act granting an increase of pension to George R. Baldwin;

H. R. 4261. An act granting an increase of pension to Sanders R. Seamonds;
 H. R. 7041. An act granting an increase of pension to Thomas J. Pleasant;
 H. R. 13355. An act granting an increase of pension to William H. Snyder;
 H. R. 5961. An act granting an increase of pension to Charles F. Coles;
 H. R. 11638. An act granting an increase of pension to Samuel Hyman;
 H. R. 3391. An act granting an increase of pension to Arthur P. Lovejoy;
 H. R. 8712. An act granting an increase of pension to James S. Young;
 H. R. 11893. An act granting an increase of pension to Cornelia A. Dennis;
 H. R. 13449. An act granting an increase of pension to Mary A. E. Scott;
 H. R. 1931. An act granting an increase of pension to John Ludwig;
 H. R. 8856. An act granting an increase of pension to Leon King;
 H. R. 6823. An act granting an increase of pension to Allen W. Merrill;
 H. R. 3653. An act granting an increase of pension to James W. Poor;
 H. R. 832. An act granting an increase of pension to William Clark;
 H. R. 3517. An act granting an increase of pension to Stephen Harris;
 H. R. 6401. An act granting an increase of pension to David E. Hall;
 H. R. 7040. An act granting an increase of pension to Benjamin Grinnell;
 H. R. 11196. An act granting a pension to Abbie Bourke;
 H. R. 3330. An act granting a pension to Calvin Duckworth;
 H. R. 14774. An act granting a pension to John C. Clarke;
 H. R. 14701. An act granting a pension to Mary A. Peters;
 H. R. 931. An act granting a pension to Huldah A. Clark;
 H. R. 10394. An act granting a pension to William H. Ruggles;
 H. R. 6003. An act granting a pension to Mary Stone;
 H. R. 12279. An act granting a pension to Nancy M. Gunsally;
 H. R. 12932. An act granting a pension to Elizabeth D. Hardy;
 H. R. 12326. An act granting a pension to John A. Kirkham;
 H. R. 2483. An act granting a pension to James A. Clifton;
 H. R. 10174. An act granting a pension to Jennie Sawyer;
 H. R. 1090. An act granting a pension to James E. Bates;
 H. R. 6968. An act granting a pension to Cappa King;
 H. R. 2618. An act granting a pension to Michael Mullin;
 H. R. 10761. An act granting a pension to Anne Bronson;
 H. R. 1523. An act granting a pension to Susan J. Taylor;
 H. R. 11453. An act granting a pension to Catherine Freeman;
 H. R. 4471. An act for the relief of James M. Chisham;
 H. R. 2492. An act to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;
 H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Stand Bar Ferry, below the city of Augusta, Ga.;
 H. R. 14801. An act to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement;
 H. R. 16057. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903;
 H. R. 15372. An act to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners; and
 H. R. 15593. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 15480. An act granting an increase of pension to William S. Barker.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1359. An act to increase pension for total deafness; and
 S. 6119. An act to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. EDWARDS was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Sarah B. Clingerman in the Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. McLAIN for ten days, on account of sickness.

The SPEAKER. The Chair desires to state that if no one else objects hereafter to requests for absence on account of important business, the Chair himself will do it, as it is important to keep a quorum here to do business at the short session. He will, however, lay before the House the following personal requests:

The Clerk read as follows:

Mr. FOX requests leave of absence for ten days, on account of important business.

Mr. SELBY requests leave of absence indefinitely, on account of important business.

By unanimous consent, the above requests were granted.

And then, on motion of Mr. PAYNE, the House (at 4 o'clock and 33 minutes) adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Young against The United States—to the Committee on War Claims, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15717) granting a pension to E. E. Munn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16476) granting a pension to Katherine Rayle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GRIFFITH: A bill (H. R. 16502) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. CONNELL: A bill (H. R. 16503) to recognize and promote the efficiency of Army chaplains—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 16504) to make it a felony for any officer of any national bank or banking institution to receive any deposit of money or other valuable property after such officer has knowledge that such bank is insolvent or in failing circumstances—to the Committee on Banking and Currency.

By Mr. WILCOX: A bill (H. R. 16505) to so amend section 64 of "An act to provide a government for the Territory of Hawaii" as to remodify certain sections of the election law of said Territory—to the Committee on the Territories.

By Mr. LOUDENSLAGER: A bill (H. R. 16506) to extend the benefits of the act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor," and so forth, approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 16507) to increase limit of cost of municipal building and site in Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 16508) to provide for enlarging and improving the United States building at Lynchburg, Va., containing the United States court rooms, clerk's office, post-office, and internal-revenue offices—to the Committee on Public Buildings and Grounds.

By Mr. McLAIN: A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 16565) for the creation of a commission to aid in carrying out the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against

unlawful restraints and monopolies," and any amendments thereto, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 16566) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. GRIFFITH (by request): A joint resolution (H. J. Res. 246) proposing an amendment to the Constitution to limit fortunes—to the Committee on the Judiciary.

By Mr. GROSVENOR: A joint resolution (H. J. Res. 247) temporarily extending the privileges of coasting laws to foreign steamers carrying coal between American ports—to the Committee on Rules.

By Mr. HENRY C. SMITH: A resolution (H. Res. 373) concerning Messages and Papers of the Presidents—to the Committee on Rules.

By Mr. HEPBURN: A resolution (H. Res. 374) for the consideration of Senate bill 569, to establish a Department of Commerce—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BEIDLER: A bill (H. R. 16510) granting an increase of pension to Sebastian C. Goss—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 16511) granting an increase of pension to J. J. Hunter—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 16512) granting an increase of pension to John Dinneen, alias John J. Davidson—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 16513) granting a pension to Frank M. Hassler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16514) granting a pension to Conrad Klinge—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16515) granting an increase of pension to T. J. Skidmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16516) granting a pension to Thomas E. McIntire—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 16517) granting a pension to Mary J. Ivey—to the Committee on Pensions.

By Mr. DARRAGH: A bill (H. R. 16518) granting an increase of pension to James A. Crocker—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 16519) granting an increase of pension to Jesse M. Johnson—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16520) granting a pension to Adelaide B. Hawes—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 16521) for the relief of Adolphus Yunker—to the Committee on Military Affairs.

Also, a bill (H. R. 16522) for the relief of Caleb C. Van Sickell—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 16523) for the relief of D. C. Conner—to the Committee on War Claims.

Also, a bill (H. R. 16524) for the relief of J. B. Thrasher—to the Committee on War Claims.

Also, a bill (H. R. 16525) for the relief of the heirs of Fayette Posey—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 16526) granting a pension to William P. McKinley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) granting a pension to George K. Freeman—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 16528) granting an increase of pension to Robert M. Thompson—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 16529) for the relief of James L. Elmer—to the Committee on War Claims.

By Mr. JACKSON of Maryland: A bill (H. R. 16530) granting a pension to Harrison B. Carhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to Mary E. Campbell—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 16532) granting an increase of pension to Selah V. Reeve—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16533) granting an increase of pension to Charles Purdy—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 16534) granting an increase of pension to James H. Durham—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16535) to compensate Caleb C. Willard, surviving partner of the firm of Segar & Willard, for the demolition and removal of the Hygeia Hotel property from

the Government reservation at Old Point, Virginia, in the year 1862—to the Committee on Claims.

Also, a bill (H. R. 16536) to compensate H. C. Phoebus for the demolition and removal of his property from the Government reservation at Old Point, Virginia—to the Committee on Claims.

By Mr. MIERS of Indiana: A bill (H. R. 16537) granting an increase of pension to Alexander C. Bowen—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 16538) granting an increase of pension to William Downs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16539) granting an increase of pension to Elihu Chilcott—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 16540) for the relief of the estate of W. A. Rawlings—to the Committee on War Claims.

Also, a bill (H. R. 16541) for the relief of the estate of Benjamin Adams—to the Committee on War Claims.

Also, a bill (H. R. 16542) for the relief of the estate of Jesse Applewhite—to the Committee on War Claims.

Also, a bill (H. R. 16543) for the relief of the estate of John W. Hester, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16544) for the relief of the estate of James Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16545) for the relief of the estate of Richard Cox—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 16546) granting a pension to Catherine Tully—to the Committee on Pensions.

By Mr. RANDELL of Louisiana: A bill (H. R. 16547) for the relief of the estate of M. L. Mayes, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16548) for the relief of Amanda M. Warren—to the Committee on War Claims.

Also, a bill (H. R. 16549) for the relief of George Reed—to the Committee on War Claims.

Also, a bill (H. R. 16550) for the relief of the estate of Charles Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16551) for the relief of William M. Hilliard—to the Committee on War Claims.

Also, a bill (H. R. 16552) for the relief of Hannah Reed, of Jackson County, Ala.—to the Committee on the Public Lands.

Also, a bill (H. R. 16553) for the relief of W. F. Guffey—to the Committee on the Public Lands.

Also, a bill (H. R. 16554) for the relief of William B. Whitlock—to the Committee on the Public Lands.

Also, a bill (H. R. 16555) for the relief of James A. Allen—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 16556) for the relief of the legal representatives of Charles W. Adams, deceased—to the Committee on War Claims.

By Mr. THOMAS of Iowa: A bill (H. R. 16557) granting an increase of pension to David L. Mills—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 16558) granting an increase of pension to Susan B. Walker—to the Committee on Pensions.

Also, a bill (H. R. 16559) for the relief of the heirs of Nancy Wood—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 16560) for the relief of the estate of L. B. Wilkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16561) for the relief of the estate of Reuben Millsaps—to the Committee on War Claims.

Also, a bill (H. R. 16562) for the relief of the estate of Tillman Loggins—to the Committee on War Claims.

Also, a bill (H. R. 16563) for the relief of L. W. Graham, administrator of John Graham, deceased, late of Scott County, Miss.—to the Committee on War Claims.

By Mr. ADAMSON: A bill (H. R. 16564) granting an increase of pension to James Hunter—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEIDLER: Petition of retail druggists of Painesville, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill for increase of pension of Sebastian C. Goss—to the Committee on Invalid Pensions.

Also, papers in support of House bill 15460, for back pension to Ann Kinney—to the Committee on Invalid Pensions.

By Mr. BOWIE: Paper to accompany House bill granting a pension to John J. Hunter—to the Committee on Pensions.

By Mr. BULL: Petitions of the trustees of the Rhode Island School of Design and Providence Water Color Club, to place works of art on the free list—to the Committee on Ways and Means.

Also, petition of George L. Clafin & Co. and Blanding & Blanding, of Providence, R. I., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Providence Lodge, No. 66, Brotherhood of Railroad Trainmen, in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Slater Trust Company, of Pawtucket, R. I., in favor of asset currency—to the Committee on Banking and Currency.

Also, petition of the Rhode Island State Board of Public Roads, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

Also, protest of the Providence Woman's Christian Temperance Union against repealing the anticanteen law—to the Committee on Military Affairs.

By Mr. BURKETT: Papers to accompany bill for a pension to Victor Vifquain—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of the State Board of Public Roads of Rhode Island in favor of the bill to create a bureau of public roads in the Department of Agriculture—to the Committee on Agriculture.

Also, petitions of the Providence (R. I.) Water Color Club and of the trustees of the Rhode Island School of Design, in favor of placing works of art on the free list—to the Committee on Ways and Means.

Also, protest of the Providence (R. I.) Woman's Christian Temperance Union, against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of Lemuel E. Edwards, of Pascoag, R. I., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Slater Trust Company, of Pawtucket, R. I., in favor of asset currency—to the Committee on Banking and Currency.

By Mr. DARRAGH: Papers to accompany House bill 10869, granting an increase of pension to Michael K. Strayer—to the Committee on Invalid Pensions.

By Mr. DAYTON: Papers to accompany House bill granting a pension to Jesse M. Johnson—to the Committee on Invalid Pensions.

By Mr. DINSMORE: Petitions of J. C. Anthony, H. A. Daly, and other druggists of Sylvan Springs and Springdale, Ark., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Resolutions of the American Free Trade League, to place beef and coal on the free list—to the Committee on Ways and Means.

Also, resolutions of the National German-American Alliance, favoring a commission to examine all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

Also, petition of Flandran & Co., of New York, urging the passage of House bill 15369, for the creation of a bureau of public roads to provide a system for the permanent improvement of the public highways—to the Committee on Agriculture.

By Mr. ESCH: Petition of James H. McCord, favoring House bill 178—to the Committee on Ways and Means.

Also, petition of the American Free Trade League, for the repeal of the tariff on beef and coal—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the legislative board of Locomotive Firemen of New York, for the passage of the eight-hour law, the conspiracy and anti-injunction bill, and Senate bill 3560—to the Committee on Labor.

By Mr. FOERDERER: Petition of John Lucas & Co., Philadelphia, Pa., members of the Paint Grinders' Association, in relation to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National German-American Alliance, favoring the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolution of Allegheny Conference of the United Brethren Church, in session at McKeesport, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, resolutions of the American Free Trade League, asking that beef and coal be placed on the free list—to the Committee on Ways and Means.

Also, petition of the McKinley Minute Men, of Allegheny, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. GRIFFITH: Petition of citizens of Brown County, Ind., to accompany House bill 9084, for increase of pension of George W. Allison—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of Foote & Funniss, of Nashville, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of Joseph W. Harshbarger, of Rockingham County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Henry Early, of Rockingham County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Mary A. Hefleybower, of Clark County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of the Williams & Carleton Company, of Hartford, Conn., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Woman's Christian Temperance Union of Toms River, N. J., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. JOHNSON: Petition of Clinton Pharmacy, Clinton, S. C.; Earle & Legge and others, of Greenville, S. C., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Resolution of the San Francisco Chamber of Commerce, favoring House bill 15368—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., asking for amendment of the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the San Francisco Merchants' Association, favoring the appointment of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of the San Francisco Chamber of Commerce, in favor of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the San Francisco Chamber of Commerce, favoring amendment of the navigation laws so as to require masters and chief mates of all vessels over 100 tons to be licensed—to the Committee on the Merchant Marine and Fisheries.

Also, petition of San Francisco Chamber of Commerce, favoring legislation giving Alaska representation in Congress, etc.—to the Committee on the Territories.

By Mr. KNAPP: Papers to accompany House bill granting an increase of pension to James H. Durham—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Petition of retail druggists of Newport News, Va., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PRINCE: Petitions of retail druggists of Rock Island and Ipava, Ill., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. PUGSLEY: Resolutions of the Manufacturers' Association of New York, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Retail Grocers and Peoria Retail Grocers' Association, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Paint Grinders' Association and Buffalo Oil, Paint, and Varnish Company, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classifications and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Manufacturers' Association of Brooklyn, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Arlington Chemical Company, favoring House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

Also, resolutions of the legislative board, Brotherhood of Locomotive Firemen, of New York, urging the passage of the eight-hour bill, anti-injunction and conspiracy bill, and the safety-appliance bill—to the Committee on Labor.

By Mr. RUSSELL: Petition of citizens of Van Zandt and Gregg counties, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHERMAN: Resolutions of Oneida County (N. Y.) Lodge, B'rith Abraham, No. 228, asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky (by request): Petitions of W. J. Humphrey, T. S. Roberts, and other citizens of Kentucky, urging

the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill 15788, for the relief of the heirs of G. W. Upton, sr.—to the Committee on War Claims.

By Mr. STARK: Petition of Henry R. Cone and others, of Ashland, Nebr., favoring House bill 178—to the Committee on Ways and Means.

By Mr. STEELE: Petition of Carpenters' Union No. 365, Marion, Ind., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of Carpenters' Union No. 365, Marion, Ind., in opposition to the passage of House bill 3076, limiting the hours of daily service of laborers—to the Committee on Labor.

By Mr. STEPHENS of Texas: Petition of citizens of Archer County, Tex., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the American Free Trade League, requesting the removal of the tariff duties on beef and coal—to the Committee on Ways and Means.

By Mr. THAYER: Petition of G. W. Green and others, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of Iowa: Resolutions of General Hancock Post, No. 22, Grand Army of the Republic, Department of Iowa, favoring the establishment of a national park to include the battlefields of Fredericksburg and other battlefields in the vicinity—to the Committee on Military Affairs.

Also, papers to accompany House bill granting an increase of pension to David L. Mills—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Petition of citizens of Onslow, Jones, and Carteret counties, N. C., for an appropriation for White Oak River—to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 9, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report a bill making appropriations for the support of the Army for the fiscal year ending June 30, 1904.

The bill (H. R. 16567) was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. GAINES of Tennessee. I reserve all points of order on this bill.

Mr. HULL. I give notice now that I shall call this bill up on Monday next if the District Committee should not occupy the day.

RESIGNATION OF COMMITTEE SERVICE.

The SPEAKER. The Clerk will read a communication received by the Speaker from a member of the House.

The Clerk read as follows:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 9, 1903.

Hon. D. B. HENDERSON,
Speaker of the House of Representatives.

MY DEAR SIR: I respectfully resign my place as a member of the Committee on the Judiciary.

I have the honor to be, very respectfully, your obedient servant,
S. W. T. LANHAM.

The SPEAKER. If there is no objection, this resignation will be accepted. The Chair hears none; and the Chair appoints to the vacancy on the Committee on the Judiciary the gentleman from Texas, Mr. HENRY.

ORDER OF BUSINESS.

Mr. SULLOWAY. I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, in order to-day under the rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. CAPRON in the chair.

EUGENE H. ELY.

The bill (H. R. 2670) granting an honorable discharge to Eugene H. Ely was read, with the amendment reported from the Committee on Military Affairs.

Mr. STEELE. I should like to hear the report in this case read. The report was read.

Mr. STEELE. This bill evidently does not belong on this Calendar, and I ask that it be laid aside.

The CHAIRMAN. The Chair thinks the point of order is well taken. The bill will be laid aside as not being properly on this Calendar.

ELVIRA M. COOPER.

The first business on the Private Calendar was the bill (H. R. 12524) granting an increase of pension to Elvira M. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira M. Cooper, widow of Lieut. Col. George E. Cooper, medical purveyor, United States Army, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Lieutenant-Colonel."

In line 7 strike out "medical purveyor" and substitute "late major and surgeon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS WALTON.

The next business on the Private Calendar was the bill (H. R. 11199) granting a pension to Lewis Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lewis Walton, and to pay him a pension of \$48 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "roll" and substitute therefor "subject to the provisions and limitations of the pension laws, the name of Lewis Walton, late corporal, ordnance detachment, United States Army."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILLIP MOONEY.

The next business on the Private Calendar was the bill (H. R. 14897) granting an increase of pension to Phillip Mooney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phillip Mooney, late of Company D, First Georgia Regiment Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert "war with Mexico."

In line 8 strike out "twenty" and substitute therefor the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The next business on the Private Calendar was the bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman.

The bill was read, as follows:

JOHN W. B. HUNTSMAN.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. B. Huntsman, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The CHAIRMAN. The question is on laying aside the bill to be reported to the House with the recommendation that it pass. If there be no objection—

Mr. RUSSELL. Mr. Chairman, I object to the passage of this bill, and I desire to state my reasons for doing so. My service in this House is of such recent origin that my disposition would be to conform to the unwritten custom of the House and remain silent; but, having made this objection, I feel that it is due to myself and to the members of the House and to the constituency which I represent to briefly state some of my objections.

Mr. Chairman, it is a rule of this House that every member shall vote upon every bill unless he has some personal or pecuniary interest in the result of it. This would be a moral obligation resting upon every member of the House in the absence of the law of the House on this subject. It is also the rule of the House that the second and fourth Fridays in each month shall be devoted to the consideration of bills known as private pension bills. The rules of the House, to which I have just adverted, necessarily imply that every member of this body who casts his vote for or against any measure pending before the House shall have some conception of its merits, and that the measure shall have passed muster in some way before his judgment and his conscience. Now, sir, I think I do not overstate it nor misstate it when I declare that so far as the bills—

Mr. MADDOX. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point.